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Prabhjot Uppal, MD  
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Pro Se Plaintiff

15CV8077  
JUDGE KOCORAS  
MAG. JUDGE MASON

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**FILED**

SEP 14 2015  
Sep 14, 2015  
THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

PRABHJOT UPPAL, MD,  
  
Plaintiff,

Case No.:

vs.

K. MICHAEL WELCH, President and Trustee of Rosalind Franklin University of Medicine & Science; GAIL L. WARDEN, Chair of Board of Trustees of Rosalind Franklin University of Medicine & Science; MARC ABEL, Trustee of Rosalind Franklin University of Medicine & Science; PAULA A. BANKS-JONES, Trustee of Rosalind Franklin University of Medicine & Science; LAWYER L. BURKS III, Trustee of Rosalind Franklin University of Medicine & Science; JOHN CALAMARI, Trustee of Rosalind Franklin University of Medicine & Science; ELIZABETH COULSON, Trustee of Rosalind Franklin University of Medicine & Science; A. MICHAEL DRACHLER, Trustee of Rosalind Franklin University of Medicine & Science; MICHAEL C. FOLTZ, Trustee of Rosalind Franklin University of Medicine & Science; ROSALIND FRANKLIN JEKOWSKY, Trustee of Rosalind Franklin University of Medicine & Science; MICHAEL J. HRILJAC, Trustee of Rosalind Franklin University of Medicine & Science; JACK W. HUTTER, Trustee of Rosalind Franklin University of Medicine & Science; PATRICK DEANE KENT, Trustee of Rosalind Franklin University of Medicine & Science; CHERYL KRAFF-COOPER, Trustee of Rosalind Franklin University of Medicine & Science;

**CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS; CIVIL ACTION FOR DEPRIVATION OF RIGHTS; ACTION FOR NEGLECT TO PREVENT; SPOILIATION OF EVIDENCE; ABUSE OF PROCESS; FALSE IMPRISONMENT; UNJUST ENRICHMENT; PRESERVATION OF EVIDENCE PRELIMINARY AND PERMANENT INJUNCTION; NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS; BREACH OF FIDUCIARY DUTY; FRAUDULENT CONCEALMENT; FRAUDULENT MISREPRESENTATION; AIDING AND ABETTING; TRESPASS OF CHATTELS; FALSE LIGHT; RESPONDEAT SUPERIOR**

**JURY DEMANDED**

1 WILFRED J. LUCAS, Trustee of Rosalind  
2 Franklin University of Medicine & Science;  
3 THOMAS G. MOORE, Trustee of Rosalind  
4 Franklin University of Medicine & Science;  
5 FRANK H. MYNARD, Trustee of Rosalind  
6 Franklin University of Medicine & Science;  
7 FRANKLIN D. PRATT, Trustee of Rosalind  
8 Franklin University of Medicine & Science,  
9 PAMELA SCHOLL, Trustee of Rosalind  
10 Franklin University of Medicine & Science;  
11 KATHLEEN M. STONE; Trustee of Rosalind  
12 Franklin University of Medicine & Science;  
13 DEBORAH TAYLOR, Trustee of Rosalind  
14 Franklin University of Medicine & Science;  
15 ALAN WEINSTEIN, Trustee of Rosalind  
16 Franklin University of Medicine & Science;  
17 BOARD OF TRUSTEES OF ROSALIND  
18 FRANKLIN UNIVERSITY OF MEDICINE  
19 AND SCIENCE; ROSALIND FRANKLIN  
20 UNIVERSITY OF MEDICINE & SCIENCE;  
21 RALPH E. MECZYK; ANTHONY A.  
22 ARMADA

23 Defendants.

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**VERIFIED COMPLAINT**

Plaintiff, Dr. Prabhjot Uppal ("Dr. Uppal"), for her Verified Complaint, *pro se*, is informed and believes and thereupon alleges as follows:

**INTRODUCTION**

The primary cause of this complex civil action is a conspiracy to achieve a lawful purpose, a merger between Rosalind Franklin University of Medicine & Science, a private not-for-profit graduate school in North Chicago, Illinois, with Advocate Lutheran General Hospital, a private not-for-profit hospital in Park Ridge, Illinois, by unlawful means. The objective of this

1 conspiracy was to replace Mt. Sinai Hospital, a not-for-profit community based hospital in  
2 Chicago, Illinois, with Advocate Lutheran General Hospital for required clinical training of third  
3 and fourth year medical students to facilitate an immaterialized scheme by formerly elected and  
4 unelected officials in Cook County government and other third parties to demolish Mt. Sinai  
5 Hospital without the graduate school losing its accreditation.  
6

7       The conspiracy began in 2004 when Rosalind Franklin University of Medicine & Science  
8 spokesperson and President, K. Michael Welch, announced the intent to commence a merger  
9 with Advocate Lutheran General Hospital. Due to long-standing problems regarding Advocate  
10 Lutheran General Hospital's qualifications as a teaching hospital, the Liaison Committee on  
11 Medical Education placed Rosalind Franklin University of Medicine & Science on probation  
12 status. In 2006 the Plaintiff, a graduate of Rosalind Franklin University of Medicine & Science,  
13 filed a complaint under Title VII of the Civil Rights Acts of 1964 with the Equal Employment  
14 Opportunity Commission against Advocate Lutheran General Hospital which included  
15 substantial allegations of violations that occurred when she was a fourth year medical student  
16 completing a clinical rotation at the hospital. While Rosalind Franklin University of Medicine &  
17 Science continued to push for the change in affiliation, the Liaison Committee on Medical  
18 Education would not approve of the merger until the Plaintiff's EEOC complaint was resolved.  
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21       On January 23, 2009, Plaintiff was falsely arrested following a complaint to the  
22 Northbrook Police Department by a faculty member of Advocate Lutheran General Hospital who  
23 was the primary subject of the then ongoing EEOC investigation. On August 14, 2009, the  
24 Plaintiff received her 90-day Right to Sue Notice from the EEOC and within three days at least  
25 two or more of the Defendants named in this Verified Complaint, along with other known and  
26 not yet known co-conspirators including a Cook County Circuit Court Judge, conspired to have  
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1 Plaintiff taken into custody on November 3, 2009 without legal excuse on the criminal charges  
2 the conspirators knew beforehand and at the time to be fabricated in order to prevent Plaintiff  
3 from filing her suit against Advocate Lutheran General Hospital and induce her to plead guilty to  
4 a felony crime she did not commit. In violation of Plaintiff's civil and constitutional rights as  
5 well as numerous federal and state laws, the conspirators achieved their unlawful means to push  
6 through the merger between the medical school and hospital through deception,  
7 misrepresentation, fraud, intimidation, oppression and obstruction as well as spoliation and  
8 concealment of the material facts regarding the 2009 criminal charges from the Plaintiff and the  
9 public continuing to the present time.  
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12 In 2010, the Plaintiff, though still unaware of the material facts and scope of her injuries  
13 in the 2009 criminal case, learned of the scheme to demolish Mt. Sinai Hospital while working as  
14 a health care fellow for Congressman Danny Davis in the 7<sup>th</sup> Congressional District of Illinois  
15 and acted as whistleblower alerting elected and unelected officials to the possibility of unlawful  
16 obstruction of the EEOC case to facilitate the merger and thereby the plan to demolish Mt. Sinai  
17 Hospital. As a direct and indirect result of Plaintiff's actions, the scheme to demolish Mt. Sinai  
18 Hospital was defeated however the Plaintiff continues to suffer irreparable harm as a direct result  
19 of the unlawful means employed by the conspirators in 2009 and 2010.  
20

21 Since January 2009, the conspirators have acted overtly on multiple occasions to prevent  
22 Plaintiff from discovery of the material facts and evidence of the conspiracy; specifically the  
23 material facts and evidence of the 2009 criminal case that was brought against her. The entire  
24 case file which would normally be stored by the State's Attorney has gone missing and  
25 numerous attempts by the Plaintiff to seek discovery of the material facts of the 2009 criminal  
26 case have resulted in significant harm, monetary losses and injuries to Plaintiff and her family by  
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1 and through the conspirators both known and not yet known. Throughout this time period, from  
2 2004 to the present, the conspirators have acted with extreme malice to oppress, threaten, harm  
3 and injure Plaintiff as well as obstruct, hinder and delay official court proceedings to evade being  
4 held culpable for their actions.  
5

### 6 **THE PARTIES**

7 1. Plaintiff, Prabhjot Uppal, MD, a United States citizen and 2005 graduate of  
8 Chicago Medical School at Rosalind Franklin University of Medicine & Science formerly d/b/a  
9 Finch University of Health Sciences ("FUHS"), and is a permanent resident of Merced,  
10 California.  
11

12 2. Defendant, Rosalind Franklin University of Medicine & Science ("RFUMS") is  
13 an Illinois not-for-profit corporation organized and existing under the laws of the State of Illinois  
14 and operating a university offering graduate level education in the health sciences with its  
15 primary place of business at 3333 Green Bay Road, North Chicago, Illinois 60064.  
16

17 3. Defendant, Board of Trustees of Rosalind Franklin University of Medicine and  
18 Science (the "Board of Trustees"), is an Illinois corporation. The Board of Trustees has a role in  
19 the appointment and employment of the President of the Rosalind Franklin University of  
20 Medicine & Science. At all times relevant to the actions described in this Verified Complaint, the  
21 Board of Trustees was acting under color of law.  
22

23 4. Defendant, K. Michael Welch ("Welch"), is the President of Rosalind Franklin  
24 University of Medicine & Science since 2002 to the present time with primary place of business  
25 at 3333 Green Bay Road, North Chicago, Illinois 60064. At all times relevant to the actions  
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described in this Verified Complaint, Welch was acting under color of law.<sup>1</sup>

5. Defendant, Ralph E. Meczyk, is a private attorney and former trial counsel for Plaintiff from or about June of 2008 through January 19, 2010 with primary place of business at 111 W. Washington St, Chicago, Illinois 60602. At all times relevant to the actions described in this Verified Complaint, Welch was acting under color of law.<sup>1</sup>

6. Defendants Gail L. Warden, Marc Abel, Paula A. Banks-Jones, Lawyer L. Burks III, John Calamari, PhD, Elizabeth Coulson, A. Michael Drachler, MD, Michael C. Foltz, Rosalind Franklin Jekowsky, Michael J. Hriljac, DPM, Jack W. Hunter, DPM, Patrick Deane Kent, Cheryl Kraff-Cooper, MD, Wilfred J. Lucas, Thomas G. Moore, Frank H. Mynard, Franklin D. Pratt, MD, Pamela Scholl, Kathleen M. Stone, DPM, Deborah Taylor and Alan D. Weinstein are members of the Board of Trustees of Rosalind Franklin University of Medicine & Science (collectively, the "Trustee Defendants") and at least fifteen are residents of the State of Illinois. They each have voted for, facilitated, cooperated with and/or approved of K. Michael Welch's employment and performance as President of Rosalind Franklin University of Medicine & Science as well as the change in primary clinical teaching affiliation from Mt. Sinai Hospital to Advocate Lutheran General Hospital that was executed in 2011.<sup>1</sup>

7. Anthony A. Armada, was President for Advocate Lutheran General Hospital between October 2009 and November 2013 and is currently Chief Executive of Swedish Health Services with primary place of business at 747 Broadway, Seattle, WA 98122.<sup>1</sup>

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<sup>1</sup> "Private persons, jointly engaged with state officials in the challenged actions, are acting "under color" of law for purposes of § 1983 actions. Judicial immunity does not insulate from damages liability those private persons who corruptly conspire with a Judge. *Dennis v. Sparks*, 449 U.S. 24, 27-28 (1980).

**OTHER PERSONS AND ENTITIES**

8. Nishay K. Sanan, is a private attorney and former appellate counsel who represented Dr. Uppal in matters relevant to this Verified Complaint from April 2014 through May 2015 with primary place of business at 53 W. Jackson Blvd #1437, Chicago, Illinois 60604.

9. Justin D. Kaplan, is a private attorney who represented the Plaintiff in matters relevant to this Verified Complaint between April and August, 2015 with primary place of business at 150 S. Wacker Drive #2600, Chicago, IL 60606

10. William McErlean, is an attorney of counsel for Rosalind Franklin University of Medicine & Science who represented RFUMS from April 2015 to August 27, 2015 in matters relevant to this Verified Complaint with primary place of business at One North Wacker Drive, Suite 4400, Chicago, IL 60606-2833.

11. Advocate Lutheran General Hospital is an Illinois not-for-profit corporation organized and existing under the laws of the State of Illinois and operating a hospital with its primary place of business at 1775 Dempster St, Park Ridge, Illinois 60068.

**VENUE & JURISDICTION**

12. Venue is proper in the Northern District of Illinois under 28 USC § 1391(b)(1) because at least four of the defendants are citizens of the State of Illinois and, moreover, a substantial part of the events and omissions giving rise to Plaintiff's claims occurred in the Northern District of Illinois.

13. Venue is proper under 28 USC § 1331 because the conduct at issue involves a federal question(s) or issue(s).

1           14.     Venue is proper under 42 USC § 1983, §1985 and § 1986 and 28 U.S.C. § 1343  
2 because the conduct at issue deprived the Plaintiff of rights, privileges, or immunities guaranteed  
3 under federal laws of the U.S. Constitution and was conducted “under color” of law.  
4

5           15.     This Court has jurisdiction over this matter pursuant to 28 USC § 1332(a) because  
6 Dr. Uppal is a permanent resident of California while at least four of the defendants are citizens  
7 in Illinois and the amount in controversy exceeds \$75,000 exclusive of interest and costs.  
8

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10                               **FACTUAL BACKGROUND**

11           16.     In 1999 the National Labor Relations Board (“NLRB”) ruled that resident  
12 physicians in graduate medical education programs, who were previously classified as “students,”  
13 were employees and had the right to unionize. The position was supported by the American  
14 Medical Association (“AMA”) citing physicians’ and physicians-in-training duties under the  
15 Principles of Medical Ethics including the obligation to provide access to care (Exhibit 1).  
16

17           17.     In the summer of 2000, resident physicians at Advocate Lutheran General  
18 Hospital (“LGH”) in Park Ridge, Illinois with significant help and financial support from the  
19 AMA began the process to unionize. Amongst issues faced by residents was the need for  
20 protection from hospital managers and “fear of retribution if they spoke publicly.” In addition, as  
21 the “first line of care to patients,” residents needed to have input in the “conditions that impact  
22 patient care and medical training” (Exhibit 1).  
23

24           18.     In 2000, nearly 180 resident physicians at LGH in Park Ridge, Illinois voted to  
25 form a union (Exhibit 1).

26           19.     In 2001, the AMA’s labor group, Physicians for Responsible Negotiation, filed an  
27 unfair labor practices complaint against LGH with the NLRB citing intimidation, retaliation and  
28



1 threats from hospital managers amongst issues (Exhibit 1).

2       20. In September 2002, K. Michael Welch was appointed President of Rosalind  
3 Franklin University of Medicine & Science ("RFUMS") in North Chicago, Illinois, then d/b/a  
4 Finch University of Health Sciences, from a previous position at the University of Kansas  
5 Medical Center where he was the senior associate dean of research since 1998 and ultimately the  
6 Vice Chancellor for research (Exhibit 2). In April 2002, just prior to being appointed President,  
7 Welch was investigated by and cited by the Office of Human Research Protections of the  
8 Department of Health and Human Services for research approved of and completed under his  
9 purview during which elderly patients suffering from dementia were given experimental  
10 therapies that significantly worsened their dementia without informed consent (Exhibit 2).

13       21. In 2003, Patricia Bergeson became the general counsel at the then renamed  
14 RFUMS. From roughly 1998 to 2003, Bergeson was associate general counsel at University of  
15 Chicago. During the time Bergeson was at University of Chicago, Valerie Jarrett, Senior Advisor  
16 to the President of the United States from 2009 to the present, was on both the University of  
17 Chicago Medical Center Board and the University of Chicago Board, serving as the latter's Vice  
18 Chair in 2002 and then Chair in 2006 until January 2009. Prior to beginning her stint in  
19 academic law, Patricia Bergeson was deputy corporation counsel for the City of Chicago, under  
20 former Mayor Richard M. Daley, specializing in real estate development (Exhibit 3).

22       22. In 2003, the NLRB ruled in favor of the residents making LGH the first hospital  
23 in the country where residents would be able to collectively bargain, however LGH vowed to  
24 fight the residents (Exhibit 1).

26       23. In 2004, Cathy Lazarus, formerly from Tulane University, joined RFUMS as  
27 Dean of Student Affairs and Thomas Vargish, MD became Chief of Surgery at Mt. Sinai  
28

1 Hospital and Chairman of Surgery at RFUMS.

2       24. In 2004, Defendant K. Michael Welch announced his decision to switch RFUMS  
3 from long time clinical teaching affiliate Mt. Sinai Hospital to LGH for the training of third and  
4 fourth year medical students and the Liaison Committee for Medical Education ("LCME"),  
5 which the AMA is a sponsor of, immediately placed RFUMS on probation; the only medical  
6 school in the country to be placed on probation at the time (Exhibit 4).

7  
8       25. In 2004, Benn Greenspan and David Ansell abruptly left their positions at Mt.  
9 Sinai Hospital. Benn Greenspan, PhD, had served in various executive positions at Mt. Sinai  
10 Hospital since 1985 and ultimately as the President and CEO from 1991 to 2004 until he  
11 departed to join UIC. David Ansell had served as the Chairman of the Department of Internal  
12 Medicine at Mt. Sinai Hospital since 1995 until he joined RUSH in 2004.

13  
14       26. In the Fall of 2004, Dr. Uppal was asked by the alumni association to bring to  
15 publication a book compiling narratives written by alumni to commemorate the historic  
16 relationship between Chicago Medical School and Mt. Sinai Hospital. Dr. Uppal was asked to  
17 take on this project because she had already published a critically reviewed book on health care  
18 policy as a medical student (Exhibit 5).

19  
20       27. In June 2005, the Plaintiff, Prabhjot Uppal, MD ("Uppal"), was conferred her  
21 Doctorate of Medicine degree from RFUMS (Exhibit 6). On July 1, 2005 she began a one-year  
22 preliminary internal medicine residency at LGH requisite for her advanced standing position in  
23 Neurology at Loyola University Medical Center.

24  
25       28. On July 19, 2005, Uppal was unexpectedly called off the hospital floors to a  
26 meeting with residency advisor Dr. Natalie Correia, Vice Chairman of Medicine of RFUMS and  
27 internal medicine residency program director, Dr. Glen Solomon, and LGH's Vice President of  
28

1 Human Resources, Penny Pilarczyk. At this meeting, Dr. Uppal was told that she had been  
2 “spotted” by a neurosurgeon named George Bovis (“Bovis”) who had written a letter to the  
3 Department of Medicine demanding that restrictions be placed on Dr. Uppal’s training. Dr.  
4 Uppal recognized the name of the doctor as the same who had behaved inappropriately with her  
5 when she was a fourth year medical student completing a rotation at LGH but did not know him  
6 personally nor had seen or had any contact with him since that time nor at any time since she  
7 began her residency at LGH.  
8

9         29. On July 27, 2005, Dr. Uppal was called back to meet with Dr. Natalie Correia and  
10 told to sign a piece of paper agreeing to restrictions on her training which included not having  
11 contact with any neurosurgical patients, even though neuro-critical care/neuro-intensive care was  
12 Dr. Uppal’s intended specialization focus for her Neurology residency and she had completed  
13 research as a PhD candidate in neurophysiology. Dr. Uppal was also told not to have any contact  
14 with Dr. Bovis, his patients or any of his partners (Exhibit 7). Dr. Uppal was also told that she  
15 would be fired if she violated any of the restrictions and if she refused to sign the paper; she was  
16 also told not to talk to any of the other residents about these matters. This was in the afternoon of  
17 July 27, 2005. Dr. Uppal was post-call as she had been on-call all night on July 26, 2005, had  
18 not slept in nearly 36 hours and can’t recall clearly everything that resulted in her signing that  
19 document (Exhibit 8).  
20  
21

22         30. The restrictions placed on Dr. Uppal were clearly discriminatory and in violation  
23 of the Accreditation Council of Graduate Medical Education (“ACGME”) policies and  
24 procedures which govern graduate medical education including the core purpose of medical  
25 residency to provide resident physicians with experiential learning activities as a “primarily  
26 educational experience in patient-centered care” and mandating “responsiveness to patient needs  
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1 that supersedes self-interest" (Exhibit 9). In addition, program directors are required to "be  
2 committed to and responsible for promoting patient safety and resident well-being in a  
3 supportive educational environment" and ensure "the safety and welfare of patients entrusted to  
4 [residents'] care" (Exhibit 9).

5  
6 31. The restrictions placed on Dr. Uppal were typical of the very same issues,  
7 particularly rampant violation of ACGME policies and patient care issues affecting residents as  
8 the "first line of defense," that had initiated the successful efforts of residents to unionize in 2000  
9 at LGH. Unfortunately for Dr. Uppal, in 2003 only 13 of the residents who voted for  
10 unionization were still in residency at LGH and in 2005 were no longer employed at the hospital  
11 (Exhibit 1). Further, Advocate spokeswoman Kim Waterman told the press in 2003 that "This  
12 election has been determined by residents who are no longer at the hospital, and we are looking  
13 at what that means" (Exhibit 1). Clearly, what it meant to LGH was that they could resume  
14 violating the ACGME policies and rules with impunity.

15  
16 32. The restrictions placed on Dr. Uppal substantially interfered with her ability to  
17 perform her duties as a resident physician. Commonsense alone would suffice for it to be  
18 understood that threatening a resident physician, who provides overnight in-house coverage and  
19 serves as a first-responder for inpatients, with termination if they have any contact with an entire  
20 population of admitted patients who are in need of 24/7 monitoring would not only disrupt  
21 patient care but place those patients' safety at imminent risk in the event of the inevitable  
22 medical emergency where any delay in treatment or care could result in malpractice or a  
23 wrongful death. Furthermore, resident physicians' liability for malpractice is based on the  
24 expected level of performance at their year of training and thus resident physicians are not  
25 immune from liability should they be negligent in providing care to patients. In addition, medical  
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1 staff by-laws (LGH's medical staff by-laws are not available) at sister Advocate hospitals.  
 2 Sherman and Christ, both typically state the following in regards to disruption to patient care:

3 Advocate Sherman Hospital Medical Staff By-Laws

4 SECTION 1. ROUTINE CORRECTIVE ACTION

5 Subsection 1. Criteria for Initiating: Whenever a practitioner with  
 6 membership or clinical privileges engages in statements, or  
 7 professional conduct, either within or outside of the Hospital, and  
 8 the same is, or is reasonably likely to be, or may reasonably be  
 9 expected to lead to conduct or acts that are either detrimental to  
 10 patient safety or to the delivery of quality patient care in the  
 11 Hospital, or disruptive to Hospital operations, corrective action  
 12 against the practitioner may be initiated by any of the  
 13 following:

- (a) any officer of the Medical Staff;
- (b) the Chief of any Clinical Department or Director of any  
Clinical Service Department;
- (c) the CEO; or
- (d) the Chairman of the Board

14 (Exhibit 10)

15 Advocate Christ Hospital Medical Staff By-Laws

16 7.F. INDICATIONS AND PROCESS FOR RECOMMENDING  
 17 TERMINATION OR SUSPENSION OF APPOINTMENT AND  
 18 PRIVILEGES OR REDUCTION OF PRIVILEGES

19 Following an investigation or a determination that there is  
 20 sufficient information upon which to base a recommendation, the  
 21 Medical Executive Committee may recommend suspension or  
 22 revocation of appointment or clinical privileges or scope of  
 23 practice based on concerns about (a) clinical competence or  
 24 practice; (b) safety or proper care being provided to patients; (c)  
 25 violation of ethical standards or the Bylaws, policies, or Rules and  
 26 Regulations of the Hospital or the Medical Staff; or (d) conduct  
 27 that is considered lower than the standards of the Hospital or  
 28 disruptive to the orderly operation of the Hospital or its Medical  
 Staff.

(Exhibit 10)

33. In addition to medical staff by-laws, the AMA has published their own opinion on  
 medical ethics regarding disruptive physician conduct as unethical and defined as "conduct that  
 may negatively affect patient care" and "conduct that interferes with one's ability to work with

1 other members of the health care team” (Exhibit 11). Not surprisingly, the Vice President of  
2 Human Resources, Penny Pilarczyk, who placed the restrictions on Dr. Uppal had testified  
3 previously during a hearing for the NLRB’s ruling on unionization at LGH that she “was  
4 completely unfamiliar with the bylaws, rules and regulations for the Employer’s medical staff”  
5 (Exhibit 12, p. 9).  
6

7 34. During the month of September 2005, Dr. Uppal was assigned to the Oncology  
8 Unit at LGH. Near the end of the month long rotation, Dr. Uppal was alerted by the oncology  
9 nurse that a patient was in distress during an evening when Dr. Uppal was the on-call house-staff  
10 covering the unit (Exhibit 8). The patient had been admitted by a partner of Bovis’ who she was  
11 not allowed to have any “contact” with, Dr. John Ruge, for a subdural hematoma. The patient  
12 had metastatic breast cancer and advanced cardiovascular disease and was on the therapeutic  
13 blood thinner Coumadin. Dr. Ruge had stopped the Coumadin because of her cranial bleed. Dr.  
14 Uppal’s presumptive diagnosis on physical examination was that the patient was in acute  
15 cardiogenic shock, a medical emergency with a 90% mortality rate. Dr. Uppal notified the senior  
16 resident covering the general medical floors but had already unknowingly violated the  
17 restrictions placed on her by immediately examining the patient when alerted by the nurse that  
18 the patient was in distress. Dr. Uppal then knowingly violated the restrictions after reading the  
19 patient’s history in the chart and ordering STAT cardiac enzymes, EKG and chest X-ray so as  
20 not to delay diagnosis. Dr. Uppal’s presumptive diagnosis was confirmed by a 2D-Doppler that  
21 showed the patient suffered a severe thromboembolic event that resulted in collapse of one of the  
22 four chambers of her heart. Dr. Correia was the hospitalist on-call that night and came to see the  
23 patient as did Dr. Ruge. No actions were taken against Dr. Uppal nor was any reference or  
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1 acknowledgment of the incident made by either Dr. Ruge or Dr. Correia. Dr. Uppal dictated the  
2 discharge summary.

3 35. In November of 2005, Dr. Uppal had begun her elective rotation in Radiology and  
4 was allotted ten days' vacation of her three week vacation time per annum to attend the World  
5 Congress of Neurology meeting in Sydney, Australia (Exhibits 8 and 13). Upon returning from  
6 the conference, Dr. Correia called Dr. Uppal to come in for a meeting. Dr. Uppal was terminated  
7 from her residency position without any explanation. After she left the hospital a letter was  
8 mailed to her stating she was terminated for violating the restrictions she had signed to on July  
9 27, 2015 (Exhibit 14).  
10

11 36. Dr. Uppal's termination from LGH was in clear violation of ACGME Institutional  
12 Requirements which states the following regarding dismissals from residency programs:  
13

14 ACGME Institutional Requirements

15 IV. C. 1. a) The Sponsoring Institution must ensure that each of  
16 its programs provides a resident/fellow with a written notice of  
17 intent when that resident's/fellow's agreement will not be renewed,  
18 when that resident/fellow will not be promoted to the next level of  
19 training, or when that resident/fellow will be dismissed. (Core)

20 IV. C. 1. b) The Sponsoring Institution must have a policy that  
21 provides residents/fellows with due process relating to the  
22 following actions regardless of when the action is taken during the  
23 appointment period: suspension, non-renewal, non-promotion, or  
24 dismissal. (Core)

25 \*Core Requirements: Statements that define structure, resource, or  
26 process elements essential to every graduate medical educational  
27 program.  
28

(Exhibit 15, pp.11-12,14)

26 Dr. Uppal never received the notice of intent to dismiss which is a "core requirement" of all  
27 graduate medical education programs; the only letter that Dr. Uppal received was after she had  
28

1 been terminated and Dr. Uppal was also never given any information regarding due process  
2 which is also mandated. Furthermore Program Directors are required to ensure that due process  
3 procedures are adhered to (Exhibit 15).

4  
5 37. After her termination Dr. Uppal was told by the Dean of Student Affairs, Dr.  
6 Cathy Lazarus, at RFUMS to "Go back to California and stay there." Dr. Uppal was advised by  
7 the ACGME to initiate due process proceedings but she was not responded to after repeatedly  
8 requesting the Program Director and Vice Chairman of Medicine at RFUMS, Dr. Glen Solomon,  
9 to initiate the due process proceedings as he was required to do by the ACGME.

10  
11 38. In the Spring of 2006, Dr. Correia agreed to write a letter on behalf of Dr. Uppal  
12 but refused to send it to RFUMS as was the normal procedure for processing letters of support.  
13 Dr. Correia sent the letter to a colleague of Dr. Uppal's at MD Anderson Cancer Center in  
14 Houston and copied it to Dr. Uppal so that she would have it in hand; it was evident that Dr.  
15 Correia did not want RFUMS to discover her assistance to Dr. Uppal. In this letter, Dr. Correia  
16 stated:  
17

18 "Dr. Uppal's clinical skills and medical knowledge were at or  
19 above the level anticipated for an early year intern. She was  
20 conscientious in the care she provided to patients and I am not  
21 aware of any concerns regarding her clinical ability."

22 (Exhibit 16)

23 39. On June 26, 2006, Dr. Uppal filed a complaint with the EEOC for sex  
24 discrimination/retaliation against LGH (Exhibit 17).

25 40. Dr. Uppal met with Dr. Thomas Vargish, Chief of Surgery at Mt. Sinai Hospital  
26 and Chairman of Surgery at RFUMS. Dr. Vargish discussed with Dr. Uppal the issues she faced  
27 at LGH and the alumni book. Dr. Uppal inquired as to whether she should continue the project in  
28



1 lieu of her termination from LGH. Dr. Vargish advised Dr. Uppal to complete the book and write  
2 “the truth, the good and the bad.”

3 41. After Dr. Uppal completed the manuscript, she sent it to RFUMS and it was at  
4 this time she learned that there were accreditation issues and somehow the book was involved,  
5 related or impacting this but it was not clear how or why (Exhibit 18).

6 42. The book, *White Coat Tales: Becoming and Being Urban Doctors: 1946-2006*,  
7 was published in July 2006 and critically reviewed as a “must read” by Melvin Konner, MD,  
8 PhD, a renowned medical ethicist at Emory University who had previously testified on end-of-  
9 life issues before the U.S. Senate with current Mayor of Chicago Rahm Emanuel’s brother  
10 Ezekiel Emanuel, MD (Exhibit 19).

11 43. Less than two months after Dr. Uppal filed her EEOC complaint of which Bovis  
12 was the primary subject, Bovis began filing false police complaints about Dr. Uppal with the  
13 Northbrook Police Department. In 2006, Bovis alleged as recorded by Detective Jeff Petersen of  
14 the Northbrook Police Department:

15 “[Bovis] then discovered that sometime in August 2005 she took  
16 employment at LGH. The phone calls to his house started up again  
17 and he attempted to address the matter with her. During these  
18 incidents he continually kept Dr. Caldwell and Dr. Herman up to  
19 date on what was happening. He then addressed the issue with  
20 LGH administration and human resources, as she was now an  
21 employee of the hospital. LGH administration confronted Jodie  
22 and told her to have absolutely no contact with him. This was  
23 around the time that he filed the first police report with P.O. Hieser.  
24 He then added that the phone calls to his house continued from  
25 Jodie and he brought this to LGH’s attention. Upon showing them  
26 proof that she called his house, LGH terminated Jodie from her  
27 position.”

28 (Exhibit 20)

1 Dr. Uppal never had any contact with Bovis as a resident or following her termination from LGH.  
2 The date the first police report was filed by Bovis was October 31, 2005, apparently while Dr.  
3 Uppal was still a resident at LGH, and it is this date which he alleges was when he placed  
4 restrictions on Dr. Uppal's training (Exhibit 7 and 20). The actual date that Bovis contacted LGH  
5 to have restrictions placed on Dr. Uppal's training was between July 1<sup>st</sup> and July 19<sup>th</sup>, 2005, and  
6 his actions were unsolicited. It was clear from his false statements to the police that Dr. Uppal's  
7 termination was an action taken by Bovis to cover up his reckless conduct that endangered the  
8 safety of patients and that his lies to the police after the fact were an effort in historical  
9 revisionism to make it appear that no restrictions were placed on Dr. Uppal prior to the  
10 neurosurgical patient emergency as well as to portray himself falsely as a victim rather than he is  
11 in reality, the perpetrator. Bovis also established himself as deceptive and lacking in credibility;  
12 willing to lie to authorities.

13  
14  
15 44. In August 2006, Dr. Uppal met with Dr. David Ansell at RUSH to discuss her  
16 termination from LGH. Dr. Ansell also wanted a copy of her book in which he had been  
17 acknowledged for his years teaching at Mt. Sinai Hospital. In the brief meeting with Dr. Ansell,  
18 his demeanor was very uncharacteristic of how she had previously known him. He was upset  
19 over the actions and behavior of Bovis at LGH towards her and LGH's decision to terminate her  
20 from her residency. Dr. Ansell told Dr. Uppal to "get reinstated" and when she explained to him  
21 the refusal of Glen Solomon, MD to assist her he became increasingly irate. He then looked at  
22 the book, staring for an inordinate period of time at the photo of Mt. Sinai Hospital, then  
23 suddenly became very angry, called her some foreign name she did not recognize and told her to  
24 "get out of [his] office" (Exhibit 21).

1           45.     In October 2006, leading up to the annual alumni meeting, Dr. Uppal received an  
2 unexpected email from the director of alumni affairs at RFUMS, Caryn Schultz, stating that  
3 “under the authority of the President of the University,” Dr. Uppal was prohibited from giving  
4 away copies of her book *White Coat Tales*, even though this had already been pre-arranged with  
5 the alumni (Exhibit 22). The sudden and unexplained prohibitions were particularly strange  
6 given that the book was a compilation of alumni narratives with all proceedings being donated in  
7 full to the school and that the school regularly promoted the books and achievements of alumni  
8 at their annual meetings. In addition, the books were not being sold to the alumni, they were  
9 being given away to them and had been ordered by alumni out of state directly involved in the  
10 book project and sent to Dr. Uppal in Chicago for her to take to the meeting. Additionally, it was  
11 clear that Dr. Uppal was being singled out as a “third party” to be excluded as no longer a  
12 member of the university community as other alumni. Upon learning of RFUMS’ actions, the  
13 alumni gathered in Chicago requested that Dr. Uppal then bring their books directly to them at  
14 their hotel. Outside of the hotel, as the alumni picked up their books, Caryn Schultz arrived and  
15 began grabbing the books from as many of the alumni as she could until she was admonished  
16 and asked to leave the scene.

17  
18           46.     After this incident, Patricia Bergeson began isolating Dr. Uppal from RFUMS by  
19 making herself the only point-of-contact with the University. In doing so, Bergeson singularly  
20 had power over all of Dr. Uppal’s academic and business affairs. From 2006 through 2007  
21 Bergeson habitually refused to assist Dr. Uppal in the ways most medical schools assist prior  
22 year graduates in regards to post-graduate medical training. Bergeson refused to upload required  
23 letters of support for Dr. Uppal’s residency applications as required by the AAMC, and refused  
24 to assist her with “scrambling” into an unfilled position following the conclusion of the National  
25  
26  
27  
28

1 Residency Matching Program. In particular, Bergeson falsely denied receiving a letter from Dr.  
2 Rangan Murali who was Dr. Uppal's attending physician during her internal medicine rotation at  
3 Cook County Hospital and attempted to impede Dr. Uppal from meeting with the long-standing  
4 Chairman of Medicine, Dr. Eric Gall, for a chairman's letter that is required for all internal  
5 medicine residency applications (Exhibit 23).  
6

7 47. Surprised by the sudden hostility toward her after the book's publication, Dr.  
8 Uppal then asked Dr. Vargish for further information regarding the affiliation issues. Dr. Vargish  
9 explained that the decision for RFUMS to change partners from Mt. Sinai Hospital to LGH was  
10 historically controversial and the school was concerned of rousing sentiments amongst the  
11 alumni (Exhibit 4).  
12

13 48. Dr. Uppal, concerned of how these issues were impacting her career in medicine,  
14 limited her communications with RFUMS to just her efforts to secure another residency position  
15 and never raised issues regarding the book or the alumni association again. In December 2006,  
16 Dr. Melvin Konner, who had critically reviewed her book, roused controversy of his own at  
17 Emory University regarding issues in the Middle East (Exhibit 24). Even though Dr. Uppal has  
18 no background or interest in foreign policy, as is typical of controversies, Dr. Konner's  
19 association with Dr. Uppal on her book piqued outside interests' concerns regarding Uppal's  
20 termination in the middle of her internship and RFUMS' refusal to assist her and even hinder her  
21 efforts to complete her residency training.  
22

23 49. The Arnold Gold Foundation, a charitable organization involved with the  
24 Association of American Medical Colleges (AAMC) and the Association of American Medical  
25 Students (AMSA) to promote "caring, compassionate, and collaborative learning environments"  
26 for prospective physicians, contacted RFUMS to inquire about Dr. Uppal and her treatment by  
27  
28

1 the school. Dr. Uppal received an unsolicited, hostile and defensive email from Patricia Bergeson  
2 blaming Dr. Uppal's termination from LGH on her "conduct" and denying RFUMS'  
3 involvement even though the Program Director at LGH, Glen Solomon, M.D., was the Vice  
4 Chairman of Medicine at RFUMS and the one who made the decision to terminate Dr. Uppal and  
5 deny her due process in violation of ACGME policies. Bergeson also denied that RFUMS had  
6 taken any actions to make it difficult for her to continue in medicine even though Bergeson had  
7 herself blocked Dr. Uppal from having letters of support uploaded for her residency applications  
8 and Dr. Uppal had twice been denied assistance with the "scramble" (Exhibit 25). Bergeson also  
9 made derogatory and spiteful remarks about Dr. Uppal's book. It was clearly evident by  
10 Bergeson's tone that she was not pleased about external inquiries regarding the activities taking  
11 place at RFUMS and in particular in relation to Dr. Uppal and that she chose to address these  
12 inquiries by attacking and attempting to discredit Dr. Uppal. This tactic would prove to be a  
13 consistent pattern of abuse and bullying or "academic mobbing" utilized by RFUMS to dissuade  
14 outside investigations into their activities and mistreatment of Dr. Uppal.

15  
16  
17  
18 50. In spite of Bergeson's obstructive efforts, Dr. Uppal eventually secured the  
19 required letters she needed to complete a residency application, however, only after the  
20 application season for that year had ended and therefore Dr. Uppal was never able to send out  
21 completed residency applications for the 2006-2007 season. Dr. Uppal then requested advice  
22 from Dr. Art Levine, an alumni and Dean of the University of Pittsburgh School of Medicine,  
23 who wrote the foreword for her book. By email, Dr. Levine advised Dr. Uppal of the following:

24  
25 "I assume that you failed to secure a residency in the match or in  
26 the 'scramble.' Your implication is that your medical school is not  
27 helping you in any way, although I cannot imagine what there  
28 might be about your book that would make the school  
'antagonistic.' In any case, the school is obligated to help you  
secure a residency since its accreditation (and credibility) depends,

1 at least to an extent, on its ability to place its graduates. I suggest  
2 that you meet with your Dean.”

(Exhibit 26)

3 Dr. Uppal attempted to meet with the Dean at RFUMS, Art Ross, MD, but was ignored. During  
4 this time Dr. Uppal had also maintained contact with her former class-fellows from medical  
5 school and learned that RFUMS was giving full assistance, including during the “scramble,” to  
6 other prior-year graduates who had failed to match into residency programs.  
7

8 51. In the fall of 2007, Dr. Uppal, having had finally secured all of her required letters  
9 of support, sent out completed residency applications for the first time since 2004. She was  
10 overwhelmed with offers of interviews around the country and was grateful just to be able to get  
11 out of Chicago and talk with doctors on the outside about the issues she was facing (Exhibit 27).  
12 During these interviews, Dr. Uppal learned that her termination and the actions and inactions of  
13 RFUMS were in violation of ACGME, LCME and AMA policies and that she needed to be  
14 reinstated to her position so that she wouldn’t face problems with medical licensure due to an  
15 unjustified interruption in her training.  
16  
17

18 52. In October 2007, Dr. Uppal was disturbed to learn that the long-standing  
19 Chairman of Medicine, Dr. Eric Gall, and numerous other faculty were leaving the school and  
20 that Dr. Glen Solomon was to become the next Chairman of Medicine (Exhibit 28).  
21

22 53. As a result of Dr. Uppal’s interviews, which occurred between November 2007  
23 and February 2008, the AMA was notified of her situation as well as of the ongoing EEOC  
24 investigation. Summarily, CEO Bruce Campbell and Glen Solomon, MD resigned from LGH  
25 (Exhibit 29). As a result of Solomon’s resignation, Dr. Gall continued on as the Chairman of  
26 Medicine. As is required by the LCME, in order for LGH to be RFUMS’ primary clinical  
27 teaching hospital for third and fourth year medical students, RFUMS Department Heads require  
28

1 authority over the training of the students which is accomplished by the Department Heads at  
2 RFUMS being represented by LGH staff. Given the long-standing problems at LGH, Dr. Gall  
3 and other faculty at RFUMS apparently preferred to resign from the medical school rather than  
4 join LGH. As an indirect result of Dr. Uppal's interviews between 2007-2008, Defendant  
5 Welch's plans to merge RFUMS with LGH were at least temporarily placed on hold but he still  
6 appointed Dr. William Rhoades, an internal medicine physician at LGH, as the "interim chair"  
7 even as Dr. Gall continued as acting chair.  
8

9         54. In August of 2008, the EEOC investigation was still ongoing and upon requesting  
10 her token to apply for residency positions for the 2008-2009 application season, Dr. Uppal  
11 instead received a letter from Dr. Cathy Lazarus stating that she was "no longer endorsed by the  
12 Chicago Medical School," barring her from applying to residency positions (Exhibit 30).  
13

14         55. Meanwhile, Dr. Uppal was informed by her civil rights attorney handling the  
15 EEOC case that LGH had reviewed Bovis' false police statements in 2006 and verified her U.S.  
16 Passport that she had attended the conference in Australia and stated that "[they] made a big  
17 mistake." Dr. Uppal was told to "shut the door on Bovis," referring to the false criminal charges  
18 he had brought against her in 2006 and that she would be reinstated and his privileges would be  
19 revoked.  
20

21         56. Dr. Uppal then hired Defendant Ralph E. Meczyk ("Meczyk"), to represent her  
22 and paid him an up-front retainer of \$70,000 that he said was the usual "trial fee."  
23

24         57. After receiving his retainer in full, Meczyk met with Dr. Uppal and told her that  
25 she needed someone from the hospital who was involved in the September 2005 neurosurgery  
26 patient medical emergency to speak for her or he wouldn't prepare her case for trial. Dr. Uppal  
27 provided Meczyk with the names and contact information for Dr. Ruge and Dr. Solomon but she  
28

1 was not able to locate Dr. Correia or the physician who was the senior resident on-call.

2       58.     Meczyk told Dr. Uppal that she needed to call these individuals to see if they  
3 would be willing to speak on her behalf. Dr. Uppal questioned why he wasn't contacting them  
4 himself and he said that he didn't understand all the "medical mumbo jumbo" and that if she  
5 didn't contact anyone he would not prepare her case for trial.  
6

7       59.     Dr. Uppal attempted to contact Dr. Solomon at Wright State University but never  
8 heard back from him. As the trial date approached, Meczyk again said he wouldn't prepare the  
9 case for trial unless she was able to get someone to come forward on her behalf. Dr. Uppal then  
10 discussed the situation with Dr. Vargish as she had no-contact orders from the Court with Bovis.  
11 Dr. Vargish confirmed that on January 20, 2009 Dr. Bovis would not be on-call and that she  
12 could page Dr. Ruge on that evening so as to avoid contacting Dr. Bovis.  
13

14       60.     On January 20, 2009, Dr. Uppal again called Meczyk and asked him to contact Dr.  
15 Ruge and he again refused. Dr. Uppal then contacted Dr. Vargish at Mt. Sinai Hospital and  
16 confirmed that Bovis was not on-call as call schedules cannot be altered within 24 hours of the  
17 date on-call in accordance with the Centers of Medicare and Medicaid Services ("CMS") and the  
18 Emergency Medical Treatment and Labor Act ("EMTALA") (Exhibit 31). Dr. Uppal then again  
19 tried to contact Dr. Solomon in the hope that if she were able to reach him she would no longer  
20 need to contact Dr. Ruge, but this effort was to no avail. She called Meczyk again and told him  
21 that Bovis was confirmed not to be on-call that night and asked Meczyk again to contact Dr.  
22 Ruge but he refused. Dr. Uppal then asked Meczyk whether she would be violating any court  
23 orders, laws or conditions if she paged Dr. Ruge that evening. Meczyk told her that if the  
24 information that Bovis was not on-call was accurate then she was "fine" and to call him  
25 afterwards to let him know what happened (Exhibit 32).  
26  
27  
28



1           61.     At 8:19 pm Dr. Uppal paged Dr. Ruge. At 8:23 pm Dr. Uppal received a call back  
2 from LGH, relayed that she had been a provider for a patient of Dr. Ruge's and for him to  
3 contact her attorney if he could. Dr. Uppal then called Meczyk and he returned the call to her at  
4 8:49 pm and she related her conversation to him (Exhibit 32).

5  
6           62.     On January 23, 2009 at her regularly scheduled court date, Dr. Uppal was taken  
7 into custody for violating the no-contact terms of her bond. She bonded out ten days later and  
8 never saw or spoke with Meczyk again until the end of October 2009 (Exhibit 33). During this  
9 time, Meczyk's son-in-law, Darryl Goldberg appeared on Meczyk's behalf.

10  
11           63.     In August 2009, Dr. Uppal received her Right to Sue Notice from the EEOC and  
12 was given 90 days to file suit which was by November 14, 2009 (Exhibit 34). Dr. Uppal  
13 contacted Meczyk's office and spoke with Darryl Goldberg and told him of the notice and he  
14 told her to send it to him; Dr. Uppal then faxed the letter to Meczyk's office. On August 21, 2009,  
15 Dr. Uppal also emailed a copy of the letter to Meczyk's son-in-law, Darryl Goldberg (Exhibit  
16 35).

17  
18           64.     Unknown to Dr. Uppal at the time, shortly after Dr. Uppal notified Meczyk of the  
19 EEOC Right to Sue notice, a "special request" had been made to have the presiding Judge,  
20 Timothy Chambers, replaced by Judge Larry Axelrood. This was confirmed at a later date, when  
21 Judge Garritt Howard who was presiding over a post-conviction hearing for the 2009 case stated  
22 "Is this *that* case?" and referred to the "special request" that had been made to switch the  
23 presiding Judges. In 2015, Dr. Uppal also received the common law record for the 2009 criminal  
24 case in which it is shown clearly that on August 17, 2009, Judge Chambers' stamped name on  
25 the court schedule for her case was scratched out and Judge Axelrood's name was hand-written  
26 in (Exhibit 36).

1           65.     In the end of October, Meczyk finally responded to Dr. Uppal's requests to know  
2 what was going on and told her that there would be no trial, that the charges would be dismissed  
3 and to be at court on November 3, 2009. Meczyk also told Dr. Uppal's mother the same  
4 information and instructed her not to come to Chicago because there would be no trial and he  
5 had personally spoken to the State's Attorney and the charges would be dismissed. Dr. Uppal  
6 then contacted her civil rights lawyer and informed him of this and then met with him in his  
7 office on November 2, 2009. She reviewed the EEOC investigative report with him and told him  
8 to go ahead and file suit. The civil rights lawyer told her to call him after her court date. (Exhibit  
9 33)  
10

11           66.     On November 3, 2009, Dr. Uppal appeared before Judge Larry Axelrod. In a  
12 complete surprise, a trial had in fact been prepared to take place on that date. When Dr. Uppal  
13 questioned Defendant Meczyk to explain to her what was going on, he told her she had to plead  
14 guilty to a felony because she was "guaranteed to lose." Dr. Uppal refused and told Meczyk that  
15 if she did she wouldn't be able to practice medicine and he told her that "[she could] go find  
16 something else to do with [her] life." Dr. Uppal refused and Meczyk then told Dr. Uppal to give  
17 permission for him to discuss the matter with the Judge in a 402 conference without explaining  
18 to Dr. Uppal what a 402 conference was. While Meczyk was in the 402 conference, Dr. Uppal  
19 contacted her mother and her civil rights attorney who instructed her to tell Meczyk that she did  
20 not want to plead guilty; that she wanted to take the case to trial. Dr. Uppal called Meczyk's  
21 office and he called her back on her cell phone. Dr. Uppal told Meczyk that she did not want to  
22 plead guilty, that she wanted to take the case to trial and he told her to "wait until [he called her]."  
23 Dr. Uppal waited for an inordinate amount of time, eventually watching as people left for lunch  
24 and the court room door was locked. Dr. Uppal then received a cell phone call from Meczyk who  
25  
26  
27  
28

1 instructed her to return to Court where his assistant Joshua Adams was waiting for her. Dr. Uppal  
2 did as she instructed.

3         67. Unknown to Dr. Uppal, Meczyk had falsely told the Court that Dr. Uppal had  
4 absented herself. When the A.S.A. Cathy Crowley told Judge Axelrood that Meczyk had tried all  
5 of Dr. Uppal's phone numbers to contact her and tell her to return to the court room, his reply  
6 was "Okay" (Exhibits 33 and 37). When Dr. Uppal appeared before Judge Axelrood with Mr.  
7 Adams she was shocked to learn that a warrant had been issued for her arrest. When Judge  
8 Axelrood made statements that she had absented herself on purpose to defeat the Court, Dr.  
9 Uppal told the Judge, "But your honor, they told me there was no trial" (Exhibit 37). In response  
10 to her statement, Mr. Adams told Dr. Uppal to "Shut up!" but this was not recorded in the  
11 transcript even though it was very loudly stated likely because it was an address directed at Dr.  
12 Uppal and not to the Court. Judge Axelrood ignored Dr. Uppal's statement and ordered Dr.  
13 Uppal to be taken into custody and placed in Maximum Security with no bail (Exhibits 33, 36 &  
14 37).

15         68. While Dr. Uppal was in custody she was unable to contact her civil rights lawyer  
16 in spite of attempts to do so and requested Meczyk to make sure her EEOC case was filed on  
17 time. Meczyk, however, never once visited her while she was in custody in spite of numerous  
18 requests by Dr. Uppal and her mother for him to do so, he also refused to let Dr. Uppal or her  
19 mother see the police reports or any evidence in the case and when Dr. Uppal did see Meczyk at  
20 court dates he would tell her if she plead guilty she could go home and when she refused he  
21 would leave (Exhibit 33).

22         69. On January 19, 2010, Dr. Uppal capitulated to a guilty plea never knowing any  
23 facts about the charges against her (Exhibits 33 & 38). In the "factual" basis that Meczyk  
24 would leave (Exhibit 33).

1 stipulated to with A.S.A. Crowley, it was stated that Bovis was "at home" at the time of the  
2 alleged incident. However, on-call physicians frequently take call from their homes and Dr.  
3 Uppal could not recall from where her page was returned on January 20, 2009. Upon being  
4 released from custody, Dr. Uppal learned that the EEOC case had not been filed and since the 90  
5 day period in which to file had expired; the case was closed. As a direct result of Judge  
6 Axelrood's and Defendant Meczyk's actions and inactions, Dr. Uppal had been deprived her  
7 right to sue under the Title VII Civil Rights Acts of 1964.  
8

9       70. After being released from custody, Dr. Uppal contacted Defendant Meczyk and  
10 asked to see the police reports for her 2009 case. Meczyk refused and told her if she appealed she  
11 was guaranteed to lose and would be sentenced the maximum time of seven years in prison.  
12 Meczyk told her that she should be grateful that he got her probation and he also told her never  
13 to contact him again. Meczyk never let Dr. Uppal see or have any access to the police reports or  
14 evidence in the 2009 case.  
15

16       71. Dr. Uppal contacted the Northbrook Police Department and they told her that they  
17 no longer had any of the evidence in the case as it had been turned over to the State's Attorney's  
18 office. This was reiterated again by Detective Jeff Petersen in 2015 (Exhibit 39). Dr. Uppal  
19 attempted numerous times to get information about her case from the Clerk of the County Clerk  
20 to no avail for reasons she was to discover at a later date.  
21

22       72. In May 2010, Dr. Uppal contacted Congressman Danny Davis for assistance and  
23 learning about her background writing and publishing on health care policy, he gave her a  
24 position as a health care fellow to assist with implementation of the high risk pools that summer  
25 for the Patient Protection and Affordable Care Act as well as other health policy issues. One of  
26 Dr. Uppal's duties was to go through incoming mailings to the Congressman related to health  
27  
28

1 care issues.

2 73. In the end of September 2010, Mt. Sinai Hospital had sent their regularly mailed  
3 newsletter to Congressman Davis and Dr. Uppal saw that Dr. Thomas Vargish was retiring. Dr.  
4 Uppal called Dr. Vargish and learned that he had been "forced out" after her guilty plea and that  
5 Dr. Eric Gall had also left his position (Exhibit 40). LGH staff physicians Dr. William Rhoades  
6 and Dr. John White had been appointed as the Department Heads at RFUMS to succeed Dr. Gall  
7 and Dr. Vargish respectively (Exhibit 41). Dr. Uppal also learned that because RFUMS is  
8 required to comply with Title VII Civil Rights Acts of 1964, her EEOC complaint, which  
9 focused largely on misconduct that occurred while she was a fourth year medical student, had  
10 impeded the LCME approval of a merger between RFUMS and LGH. It is also likely given that  
11 the since the AMA is the major sponsor of the LCME and were aware of her EEOC investigation  
12 and circumstances of her termination, they refused to approve an affiliation change until she was  
13 reinstated to her residency position.

14 74. On March 31, 2010, the LCME had approved of the merger between RFUMS and  
15 LGH (Exhibit 42 and 68). Dr. Uppal felt something wrong had transpired and brought her  
16 concerns to Dan Cantrell, the district deputy for Congressman Davis. Dr. Uppal felt that her  
17 EEOC case was meritorious and that if she had not been taken into custody on November 3,  
18 2009 by Judge Axelrood the case would have been timely filed. It was then that Dr. Uppal  
19 learned about the Cook County Health Board that had been established in 2008 and that they had  
20 decided to move forward with a plan to demolish Mt. Sinai Hospital. It became clear to Dr.  
21 Uppal that the motive of the Defendants to end RFUMS' affiliation with and dependence on Mt.  
22 Sinai Hospital for clinical training was to facilitate the demolition of Mt. Sinai Hospital. If Mt.  
23 Sinai Hospital were demolished prior to the LCME approving a merger between RFUMS and  
24

1 LGH, RFUMS would lose its accreditation as it would not have a teaching hospital to provide  
2 the third and fourth year medical students with the required core clerkships for conferring the  
3 Doctorate of Medicine. Dr. Uppal realized then why Dr. David Ansell and Dr. Benn Greenspan  
4 had left their long-standing positions at Mt. Sinai Hospital in 2004; they knew about the plans to  
5 demolish the hospital. Dr. Uppal learned, disturbingly, that both Ansell and Greenspan were  
6 inaugural members of this Cook County Health Board as well as Quinshaunta Golden, a close  
7 relative of Congressman Danny Davis') and that in May 2009, William Foley was appointed the  
8 board's CEO (Exhibit 43).  
9

10  
11 75. At this point, Dr. Uppal realized that though the plans to demolish Mt. Sinai  
12 Hospital had commenced at least as early as 2004, they hadn't begun to materialize until 2008  
13 and that her pending EEOC case and long-standing issues of the AMA with LGH had served as  
14 an obstacle to the switch in the affiliation from Mt. Sinai Hospital to LGH and thereby had  
15 impeded the plans to demolish Mt. Sinai Hospital; an obstacle that was removed when Dr. Uppal  
16 was taken into custody without legal excuse on November 3, 2009 through and past the final  
17 filing date of her EEOC case on November 14, 2009.  
18

19 76. Dr. Uppal, like most of the general public, was also very much aware that  
20 Michael Reese Hospital was also being demolished. Dr. Quentin Young, who served as Michael  
21 Reese's medical director up until that decision was made, was well-known and a respected health  
22 care activist; Michael Reese was also at one point the largest community hospital in the United  
23 States. It was also well publicized that the Michael Reese site was the one chosen for the ill-fated  
24 2016 Olympics bid promoted by former Mayor Richard M. Daley and Senior Advisor to  
25 President Obama, Valerie Jarrett (Exhibit 44). Dr. Uppal asked Dan Cantrell if these plans to  
26  
27  
28

1 demolish Mt. Sinai Hospital had anything to do with Mayor Richard M. Daley and Valerie  
2 Jarrett to which he replied in the affirmative but cautioned her "to be careful."

3 77. Dr. Uppal then looked through the White House visitor of logs for Valerie Jarrett  
4 and saw that on April 6, 2010, less than a week after the LCME approved of the merger between  
5 RFUMS and LGH on March 31, 2010, a meeting had indeed been scheduled for William Foley,  
6 Ruth Rothstein, Larry Goodman (CEO of RUSH) and Robert Weinstein (Chairman at Cook  
7 County Hospital) (Exhibit 45).  
8

9 78. It was around this time former Mayor Daley suddenly announced his resignation  
10 and much commotion broke out in the Congressman's office. Soon after it was announced that  
11 Rahm Emanuel, who has long personal and family ties to Mt. Sinai Hospital, was running for  
12 Mayor.  
13

14 79. Dr. Uppal, though still not knowing the material facts of the 2009 criminal case,  
15 recalled statements that Judge Larry Axelrood had made prior to having her taken into custody  
16 on November 3, 2009 and felt, regardless of what she was accused of, that his actions were  
17 wrong and unjustified and in violation of her Constitutional right to Due Process:  
18

19 "The difficulty in this case is that, on a previous occasion when the  
20 case was prepared for trial on 07 CR 2129, Ms. Uppal did certain  
21 things which caused a second case, the '09 case, to be filed. In that  
22 case, as well as the '07, for a trial posture. It is my belief that her  
23 actions were dilatory and was an attempt to defeat the Court from  
24 being able to go forward to trial today, and that she absented  
25 herself so that we would not be able to proceed to trial today, thus  
26 inconveniencing the witnesses and disrupting the Court's ability to  
27 resolve this case."

(Exhibit 37)

28 Dr. Uppal had not absented herself from the Court on November 3, 2009 nor did she take on  
would ever take any actions to hinder court proceedings. As on January 20, 2009, Dr. Uppal was  
following the instructions and directions of Defendant Meczyk. Dr. Uppal's trust and confidence



1 that she had reposed in Defendant Meczyk had been betrayed who had done nothing to stop  
2 Judge Axelrood from taking her into custody and had actually facilitated it; nor did Meczyk take  
3 any actions to have Judge Axelrood recused for his disqualifying statements.

4  
5 80. Judge Axelrood's statements on November 3, 2009 made it clear that there was no  
6 question he had a prejudgment of the 2007 and 2009 criminal cases and of Dr. Uppal with a  
7 fixed, unalterable belief that Dr. Uppal was guilty. This, in addition, to the harsh conditions and  
8 assaults that Dr. Uppal was subjected to inside of the Maximum Security Unit of the Cook  
9 County Jail, the significant personal loss she had incurred compounded with the realization that  
10 if she had not been taken into custody, the EEOC case would not have been obstructed, her  
11 teachers would not have been forced out of their positions at the medical school, the affiliation  
12 switch would not have moved forward, and the plan now in action to demolish Mt. Sinai  
13 Hospital would not have been facilitated, weighed heavily on her.

14  
15 81. Given the diminishing reimbursements for Medicare and Medicaid, many  
16 hospitals and providers have sought to evade these patients and avoid the associated costs and  
17 financial losses. In addition, the Department of Health and Human Services had begun to  
18 incentivize hospitals to focus on investing in reducing hospital admissions by improving health  
19 in communities rather than what has taken place over decades: exploiting the desire for health  
20 rather than actually providing it. These incentives have included fining hospitals when patients  
21 are "frequent fliers" or "kickbacks;" in other words penalizing hospitals for patients who are  
22 admitted to the hospital and then within a month or three weeks later are readmitted because they  
23 were not followed-up on as outpatients and their readmissions were preventable. In Chicago,  
24 underserved, low-income minority communities have a disproportionate number of Medicare  
25 and Medicaid patients. While some hospitals systems, like Sinai Health System, provide a safety-



1 net for these patients, other systems like Advocate Health Care avoid these patients by shuttering  
2 down their hospitals in these communities. For example, in 2006 Advocate Health Care closed  
3 units at Bethany Hospital diverting their resources instead to their hospitals that serve more  
4 affluent communities like LGH (Exhibit 46). In addition, safety net hospitals work together to  
5 provide care for communities and do so with very limited and stretched resources. When one  
6 safety net closes it creates a substantial strain on other safety nets causing essentially a domino  
7 effect; the end result being entire communities without any access to health care services or  
8 “health deserts” often resulting in the eventual displacement of these communities. Had this  
9 scheme to demolish Mt. Sinai Hospital gone through the impact it would have had both on the  
10 short-term life-saving needs of the West Side community and the long-term isolation of low-  
11 income patients would have become increasingly devastating and certainly the opposite intended  
12 effect of reforming health care by emphasizing improving health of communities and equitable  
13 access to health care services. The loss of Mt. Sinai Hospital, as one of only two Trauma Level I  
14 providers for both adult and pediatric patients in the Chicago region, would be a devastating  
15 blow both in terms of its direct care as well as investment in public health through the Sinai  
16 Urban Health Institute. Additionally, the tax benefits and jobs created by Sinai Health System as  
17 one of the largest employers in the West Side community would be lost. It was clear that, like  
18 the Michael Reese situation, the scheme to demolish Mt. Sinai Hospital was less about the  
19 objective indicators of critical health care needs and more about a speculative real estate  
20 adventure of politically powerful insiders improperly influencing a county health board. Such  
21 political influence likely resulted in the hiring of William Foley as CEO of the Cook County  
22 Health Board, a clear violation of the Shakman Decrees and other Cook County government  
23 ordinances.  
24  
25  
26  
27  
28

1           82. Dr. Uppal considered that her only personal goal was to become a physician, and  
2 not a physician who would commit Medicare fraud or exploit patients to make money, but one  
3 who would help communities facing barriers to health particularly vulnerable populations like  
4 the elderly and the poor. It was at this time that Dr. Uppal decided that she necessarily had to  
5 “blow the whistle” that her EEOC case was obstructed by improper actions in violation of her  
6 Constitutional rights by Judge Larry Axelrood that Defendant Meczyk facilitated. A complete  
7 halt needed to be brought to any plans to move forward on demolishing Mt. Sinai Hospital at  
8 least until a further investigation had been completed. Dr. Uppal composed a narrative over the  
9 events concerning her arrest on January 20, 2009 and again on November 3, 2009 and sent it to  
10 Dr. Vargish and Mt. Sinai Hospital. In hindsight, while Dr. Uppal and her family have suffered  
11 and continue to suffer tremendously for this decision, it remains one devoid of any regret for as it  
12 turned out if Dr. Uppal hadn’t blown the whistle at that time, Mt. Sinai Hospital would not be  
13 standing and serving today. Dr. Uppal exposed the lawyers and Judge who had her taken into  
14 custody without legal excuse on November 3, 2009 in an electronic communication to the White  
15 House and copied it to Rahm Emanuel to bring it to his attention. Soon after, Dr. Uppal’s  
16 apartment was raided by a SWAT team and she was taken into custody (Exhibit 47).

20           83. After Dr. Uppal was arrested, she was denied bond. When she was eventually  
21 given a bond it was an extraordinarily inappropriate \$500,000, in fact Dr. Uppal should not have  
22 been arrested at all. During the period of her custody, however, both Rahm Emanuel and former  
23 President Bill Clinton advocated vigorously on her and Mt. Sinai Hospital’s behalf to President  
24 Obama. Upon being apprised of the events had taken and were taking place in Chicago,  
25 President Obama ordered Dr. Uppal to be released and on January 3, 2011 Dr. Uppal’s bond was  
26 drastically reduced to \$100,000-D (\$10,000) and she bonded out (Exhibit 47).

1           84.     Even though Dr. Uppal's decision was risky, she felt that she had already been  
2 convicted of a felony and, unaware of any relief at the time nor even the true facts of her 2009  
3 case that would support such relief, would therefore never be able to practice medicine but if she  
4 could prevent the demolition of a safety-net hospital serving a low-income minority population,  
5 and one of only two Trauma Level I emergency rooms for both adult and pediatric patients, even  
6 if she could not directly care for patients and save lives she would be indirectly enabling  
7 hundreds of doctors, residents and medical students to train and provide care in an area of critical  
8 need and continue to have the opportunity to do so on a daily basis possibly ad infinitum. Dr.  
9 Uppal also knew of the tremendous support and wisdom of her parents who told her to study  
10 hard so she could become something not to make money but to give back to help others less than  
11 fortunate her. Dr. Uppal relied on her faith, principles and beliefs from her upbringing to stand  
12 and defend others in the face of gross injustice because they were too poor or weak to stand up  
13 for themselves.

14           85.     Contrary to the sensationalistic journalism of an uninformed press, the only thing  
15 Dr. Uppal expressed the desire to "blow up" or expose was the misconduct in violation of her  
16 constitutional rights that resulted in the interference of her civil rights; the obstruction of her  
17 EEOC case. Dr. Uppal has long been an advocate of non-violent communication even having  
18 had illustrated a children's book, *The Little Bird Who Found Herself/La Parajita Que Se*  
19 *Encontro A Si Misma*, published in Spanish, English and Dutch educating children on the  
20 practice (Exhibit 48). A significant part of improving health in communities is, after all,  
21 necessarily the need for reducing violence.

22           86.     As will be described later in this Verified Complaint with particularity, the next  
23 several years Dr. Uppal has met with consistent malice, oppression, obstruction, concealment,  
24

1 fraud, intimidation and threats by the Defendants as well as other co-conspirators both known  
 2 and not yet known. Most recently, the Defendants corruptly persuaded a federal court to become  
 3 unwittingly complicit in their criminal cover-up by placing a protective order with orders to  
 4 destroy evidence material to the 2009 case; for the obvious reason to bar Dr. Uppal from access  
 5 to evidence in a form that would be admissible in a court proceeding in accordance to Rule 901  
 6 of Federal Rules of Evidence against them. As Dr. Uppal's efforts to secure the material facts of  
 7 her 2009 case progressed, she did ultimately succeed at filing a motion in the post-conviction  
 8 proceedings for the 2009 case on April 10, 2015; this was the first complete and forthcoming  
 9 narrative to be introduced into court proceeding. Soon after, the 2010 charges were suddenly  
 10 dropped. Dr. Uppal took what is considered the next best thing to an acquittal, a misdemeanor  
 11 with one year of non-reporting court supervision with no adjudication of guilt or conviction  
 12 entered upon its successful completion that can be expunged if Dr. Uppal is able to clear her  
 13 2009 felony conviction; **the equivalent of a parking ticket**. In addition, the charge itself is  
 14 unlikely to have any bearing on its own on medical licensure particularly given the  
 15 circumstances and the AMA's knowledge of the events as described in this Verified Complaint.  
 16 Prior to accepting this deal Dr. Uppal had consulted with a lawyer regarding the 2010 case and  
 17 what she was being offered, his reply to her was "So what you're showing me is, they charged  
 18 you like a terrorist but now are treating it like a parking ticket?!" In the recently released  
 19 documentary film, *War on Whistleblowers* (2013), the following was narrated regarding the  
 20 Thomas Drake whistleblowing case with the NSA:

25 News Anchor 1: A high profile failure for the justice  
 26 News Anchor 2: Federal prosecutors today dropped nearly all  
 27 News Anchor 3: A former NSA official accused of handling  
 28 classified data strikes a plea deal today.

1 News Anchor 4: He is only pleading guilty to a misdemeanor  
 2 of exceeding authorized use of a computer  
 3 Jesselyn Radack: **It's the legal equivalent of a parking**  
 4 **ticket**  
 5 Voice: There was a judge with the integrity to say,  
 6 you're not doing the right thing prosecutor.  
 7 Voice: The federal judge in this case actually  
 8 berated the prosecutors, he berated the  
 9 government for years of persecution, the  
 10 threat of 35 years behind bars and the  
 11 charges were suddenly dropped.  
 12 Jane Mayer: So the whole case did fall apart and, um, of  
 13 its own weight, I think, really.  
 14 Seymour Hersh: The government does tend to overreact,  
 15 overcharge and over dramatize  
 16 Daniel Ellsberg: He was vindicated in the end, essentially,  
 17 but had his life for the moment ruined.  
 18 Thomas Drake: It's extremely dangerous in America right  
 19 now to be right as whistleblower when the  
 20 government is so wrong, so speaking truth to  
 21 power is now a criminal act.  
 22 [Emphasis supplied]

(Exhibit 49)

16  
 17 87. After Rahm Emanuel was elected Mayor of Chicago in February 2011, one of the  
 18 first, if not the first things to occur was the immediate resignation of William Foley as CEO of  
 19 the Cook County Health Board (Exhibit 50). Dr. Cathy Lazarus and Patricia Bergeson also  
 20 summarily resigned their positions from RFUMS. Subsequently, Dr. David Ansell was not  
 21 recommended for reappointment and Benn Greenspan resigned (Exhibit 50). Importantly, the  
 22 Cook County Health Board necessarily had to undergo review as well as training by the Cook  
 23 County System Chief Compliance Officer, Independent Inspector General, and Shakman  
 24 Compliance Administrator attended by an investigator of the Inspector General (Exhibit 50).

25  
 26 88. After Dr. Uppal's release from custody in January 2011, she then embarked on  
 27 another five years of facing non-stop obstruction, harassment, intimidation, injuries, monetary  
 28

1 losses and fraud by the Defendants and their co-conspirators both known and not yet known.  
2 During this time, Defendant Meczyk twice attempted to run for a position of Judge thereby  
3 exposing at least one of the benefits he sought in exchange for his role in injuring Dr. Uppal and  
4 obstructing the EEOC case. In 2011 Meczyk appeared before the Cook County Board in an  
5 effort to be slated as a candidate but failed due to a previous conviction, not surprisingly, for  
6 fraud and also possibly because of the change in leadership in both City Hall and Cook County.  
7 Again in 2014 Meczyk ran for Judge but lost.  
8

9 89. In the summer of 2011, Dr. Uppal was invited to Columbia University  
10 purportedly to interview for the narrative medicine program (Exhibit 51). She discovered though  
11 that the true intent was interrogate her about Emanuel, about whom she had little information.  
12 She left the interview, however, well-informed that she had aroused the ire of certain ideological  
13 groups critical of Israeli policies and U.S. foreign policy towards the State of Israel who  
14 apparently were keen on demolishing both Michael Reese and Mt. Sinai Hospital, two historic  
15 Jewish hospitals, without regard apparently to the community benefits they provided; an  
16 objective desperately wanting for relevance to foreign policy concerns.  
17

18 90. Upon returning from Columbia University, Dr. Uppal expressed her concerns to  
19 her family that she had been dragged into a situation she had nothing to do with and felt that her  
20 career in medicine was unjustly destroyed for evidently nonsense ideological reasons. Dr. Uppal  
21 reiterated that she did not page Bovis on January 20, 2009 and that she may have been wrong in  
22 her prior belief that the information regarding the neurosurgical call schedule on that night by Dr.  
23 Vargish was not accurate and in her reliance on Defendant Meczyk. The fact that Dr. Uppal was  
24 unable to locate any information on her case with the Clerk of Cook County also began to raise  
25 significant suspicions regarding the criminal case in 2009.  
26  
27  
28

1           91. In 2011, Dr. Uppal's family had their lawyer contact Meczyk to preserve her case  
2 file and make arrangements for her it to be sent to Merced, California. Defendant Meczyk  
3 instead filed a false complaint against Dr. Uppal with the State's Attorney that she was harassing  
4 him by phone in an attempt to have her violated on her probation and remanded into custody  
5 even though Dr. Uppal never contacted Meczyk (Exhibit 52). The meritless case went before  
6 Judge Garritt Howard and was instantly dismissed

7  
8           92. In spite of suspicions that were gradually materializing, the reality is that  
9 Defendant Meczyk's actions to attempt to have Dr. Uppal arrested and taken into custody in  
10 2011 ignited intense fears for Dr. Uppal and her family over her safety. Given that it took an  
11 intervention by a former White House Chief of Staff and both a sitting and former President for  
12 her to be released from jail, Defendant Meczyk's continued unfettered abuse of the court system  
13 to harm Dr. Uppal was overwhelmingly intimidating and invoked intense fear in both Dr. Uppal  
14 and her family. The situation was that at any time, for any reason, she could be remanded into  
15 custody and this created an environment deeply oppressive and menacing. The impression given  
16 was that the Cook County Justice System was a weapon to be used to target and tether Dr. Uppal  
17 rather than an impartial government body bound by the law, and that Defendant Meczyk acted  
18 with the confidence of one who was given full authority to utilize the system to harm and  
19 intimidate Dr. Uppal and her family to prevent her from gaining knowledge on the material facts  
20 of the 2009 criminal case.

21  
22  
23  
24           93. Nevertheless, in 2012, Dr. Uppal learned about post-conviction relief and hired  
25 Daniel Florey as appellate counsel.

26           94. In preparation of the post-conviction matter, Florey repeatedly requested  
27 Defendant Meczyk to turn over his file for the 2009 case. Meczyk refused to do so (Exhibit 53).  
28



1        95. On January 18, 2013 Florey had to file Dr. Uppal's first petition for post-  
2 conviction relief for the 2009 criminal case without ever having any of the files from Meczyk  
3 (Exhibit 33 and 53).

4  
5        96. In March 2013, the Assistant State's Attorney, Cathy Crowley, who handled Dr.  
6 Uppal's 2009 case suddenly retired (Exhibit 54).

7        97. On March 28, 2013, Judge Garritt Howard issued a Court Order to Meczyk to turn  
8 over his case file. Meczyk still refused to turn over Dr. Uppal's case file (Exhibit 53).

9        98. On June 7, 2013 Florey initiated a petition to hold Meczyk in contempt of court  
10 (Exhibit 53).

11  
12        99. Near the end of September 2013, Florey contacted Dr. Uppal and told her that  
13 Meczyk had finally turned over her case file. Dr. Uppal reviewed the box he had turned over  
14 with Florey and all it contained were two phone reports for one outgoing call and one unknown  
15 number. There was no call detail record showing incoming calls and no sworn affidavit which  
16 would be case determinative (Exhibits 55 & 56).

17  
18        100. Dr. Uppal was made to believe by Meczyk that she was guilty of the 2009  
19 charges; that she had received wrong information about the call schedule and she had indeed  
20 contacted Bovis on January 20, 2009 and there was nothing she could do to prove otherwise.  
21 Reviewing the reports tendered to Florey, Dr. Uppal realized, in shock, that she and her family  
22 had been completely deceived by Meczyk who had concealed significant material facts regarding  
23 her 2009 case by refusing to allow Dr. Uppal or her mother to review the police reports that  
24 stated the following:  
25

- 26            1. Type of Incident: HARASSMENT BY TELEPHONE  
27            2. Date, Time (F6): Tue Jan 20 22:34:23 CST 2009  
28            3. Officer Name: S. Pozniak #118  
             4. Narrative



1 The complainant related that on 01/20/09 at 2019 hrs and 2135 hrs.  
2 he received two pages from (312) 951-0275. Complainant called  
3 back at 2019 hrs. and spoke with a woman who related that she  
4 was Dr. Perez, an intern at Northwestern with a patient with a brain  
5 tumor who needs your attention. Complainant recognized the voice  
6 as Prabhjot Uppal, a woman that he currently proceeding on a  
7 felony case for harassment by telephone. The case is an ongoing  
8 case with Det. Petersen and complainant wanted this incident  
9 documented for the upcoming court date on Friday 01/23/09. A  
10 copy of this report will be forwarded to Det. Petersen.

11 1. Address of Occurrence: redacted

12 2. Type of incident: Harassing telephone call

13 3. Details of Supplemental Narrative:

14 On January 21, 2009 at approximately 12:15 P.M. I spoke with  
15 [Bovis] about these cases. [Bovis] related that he knew Uppal's  
16 court case was getting closer as the State's Attorney's office had  
17 been in contact with him. [Bovis] added that on January 20, 2009  
18 at approximately 8:19 P.M. he received a page on his work pager.  
19 The number that appeared was (312) 951-0275. **He was at home**  
20 **when he received the page and thought it was odd as he was**  
21 **not on-call for the night.** [Bovis] is a neurosurgeon who works  
22 out of LGH. He called the number and a female answered stating  
23 Northwestern Oncology. [Bovis] responded, [Bovis] I was paged.  
24 The female was heard asking did someone page [Bovis]. After a  
25 short pause, the same female that first answered spoke again. She  
26 stated that she was Doctor Perez and was calling regarding one of  
27 his patients, XXXXX. The female added that she was with  
28 XXXXX who was suffering from an anterior meningioma. She  
requested to have surgery and wished to have redacted consult in  
the matter. XXXXX asked if the patient was symptomatic. The  
female hesitated and responded that [Bovis] had seen XXXXX in  
the past as she had a tumor. XXXXX advised me that the nature of  
this page was not unusual. In the past he has returned pages and  
usually a nurse answers and identifies their location. After  
identifying himself, the nurse transfers the call on. Further, he in  
fact has seen a patient with the name of XXXXX however she did  
not have a brain tumor. [Bovis] stated that he quickly realized that  
during this call he was speaking with Prabhjot Uppal, who also  
goes by Jody Uppal. [Bovis] stated that at point in the conversation  
he was asked to speak with the nurse. The female then terminated  
the call. [Bovis] related that at approximately 9:35 P.M. he  
received another page displaying the number of (312) 951-0275.  
He did not call the number back. [Bovis] stated that he then  
responded to the Northbrook Police Department and filed a report  
regarding the calls with Police Officer Pozniak. [Bovis] related that  
he had already spoken with the State's Attorney's office about the  
page and phone conversation. I advised Bovis that I was assigned

to the case and that I would discuss the matter with the State's Attorney. I then conducted an Internet search on Entersect and discovered that the phone number of (312) 951-0275 was an Ameritech Illinois Wireless number registered to Prabhjot Uppal of Chicago, Illinois. On January 21, 2009 at approximately 3:00 P.M. I responded to the Cook County Skokie court house and met with A.S.A. Morris. We discussed the above matters and Morris stated that on January 23, 2009 she would be filing a violation of condition of bail against Uppal for this incident. Court time is set for 9:30 A.M. Case pending.

1. Date, Time (F6): Thu Jan 22 16:17:01 CST 2009

2. Reporting Officer: Det J. Petersen #137

On January 23, 2009 at approximately 9:30 A.M. I responded to the Cook County Skokie court house and met with [Bovis]. Myself and [Bovis] then met with felony review A.S.A. Hemeley and reviewed this case with her. **Bovis swore to the facts of the complaint and signed it.** A.S.A. Hemeley approved the felony charge and warrant. [Emphasis supplied]

(Exhibit 20)

101. Dr. Uppal realized that Bovis, by swearing and signing his name to his false complaint, had committed perjury. While Dr. Uppal couldn't remember where the incoming phone calls came from, she did know that when he said he was "not on call" that she had not been mistaken about the call schedule and knowing the liability associated with hospital compliance with EMTALA and CMS on-call policies and procedures, his claim that he received and returned a page when he was not on-call was a lie; the incoming phone calls to Dr. Uppal's phone would be case determinative. Dr. Uppal asked Florey to subpoena the incoming call records, but he told her they were "too old" (Exhibit 56). Dr. Uppal found her old phones in storage and the three incoming calls recorded to her number on January 20, 2009 are, in order, from Mt. Sinai Hospital, LGH and from Meczyk's phone (312) 636-6360 (Exhibit 32). Dr. Bovis never received a page, never returned a page, never had any conversation with Dr. Uppal and completely fabricated his complaint against Dr. Uppal based clearly on whatever was related to him by the on-call physician. Additionally, it is highly unlikely that routine practices at LGH

1 regarding on-call duties would violate both federal CMS and EMTALA laws conveniently on the  
 2 night Dr. Uppal paged Dr. Ruge just so Bovis could allege he received a page when in fact he did  
 3 not and could not have (Exhibit 31). Bovis' lies, of course were nothing new, and the intent again  
 4 was closely aligned his previous false statements to LGH to have Dr. Uppal fired and to the  
 5 police in 2006: to cover up the September 2005 patient emergency in which a patient was  
 6 endangered by his reckless conduct at LGH.

7  
 8 102. Dr. Uppal turned her phone with caller ID over to Florey and he filed a Motion to  
 9 Admit Newly Discovered Evidence on October 9, 2013 (Exhibits 56 and 57). On October 18,  
 10 2013 a hearing took place before Judge Garritt Howard and the following exchange ensued:

11	THE COURT:	What is it you're seeking to subpoena?
12	MR. FLOREY:	Judge, that would be phone records.
13	THE COURT:	Phone records relating to?
14	MR. FLOREY:	Relating to the time of this alleged incident going all the back to –
15	THE COURT:	Wasn't this done before?
16	MR. FLOREY:	No. And that's what is – now, Judge if you remember, I had a hard time getting the trial file on this and in my file, there is no subpoenas, and the State has tendered discovery that I have in the file. I don't see any phone records subpoenaed and I don't think I'm going to be able to get them this late but my client asked me to at least try. And here is the thing about the phone, Judge. It was just discovered at the end of September when my client was going through some personal belongings in storage –
23	THE COURT:	I read your amended motion.
24	MR. FLOREY:	So –
25	THE COURT:	That doesn't really prove anything.
26	MR. FLOREY:	Well,
27	THE COURT:	The phone records would.
28	MR. FLOREY:	I know.
	THE COURT:	Well, you can subpoenas the phone records. I'm surprised the State, when they initially worked up the case, of course, you didn't have the case initially, whoever worked up

the case initially would have gotten these records since it was part and parcel of the offense.

MS. MEENAN: Your Honor, as I stand here today, I don't know. I was not able to get our trial file. Our warehouse did not locate our trial file.

THE COURT: Well, get your file. I would be surprised that they are not in there.

MR. FLOREY: Judge, I don't want to overstate it to you. There is one phone record in there but it's not phone records that we think would be case determinative. If my recollection is accurate, there was one page of a phone record but not from my client's phone and not from the alleged complaining witness' phone.

THE COURT: I can't imagine attorneys working on this case at the time would not have gotten those records.

MR. FLOREY: It's possible I just don't have it in the file.

THE COURT: Could be. Well, we will give it a date, issue your subpoena, check your file. They should be in there.

MR. FLOREY: Okay.

...  
THE COURT: You can subpoena your client's phone records though. You don't need the State's agreement for that.

MR. FLOREY: What about the phone itself?

THE COURT: What about it?

MR. FLOREY: That was part of the motion to admit that into evidence.

THE COURT: Well, let's get the records first. One step at a time.

...  
THE COURT: How much time are you going to need do you think, probably about six weeks to make sure you get them?

MR. FLOREY: Yes.

THE COURT: So sometime late November.  
[Emphasis Supplied]

(Exhibit 56)

1 The cause of Dr. Uppal's difficulty over the years of securing any material facts about her 2009  
2 criminal case from the Clerk of Cook County was ultimately revealed: the entire case file was  
3 missing. Dr. Uppal's situation now seemed to be eerily similar to the Vanecko case involving  
4 former Mayor of Chicago Richard M. Daley's nephew (Exhibit 58). As with Dr. Uppal's case, a  
5 criminal act was committed and instead of filing charges against the criminal, the file with the  
6 evidence of the crime went missing, the Assistant State's Attorney involved resigned and the  
7 victim's life destroyed (Exhibit 54).  
8

9 103. Following the October 18, 2013 hearing, however, Florey did not subpoena the  
10 phone records as ordered by Judge Howard, nor did he return any calls or emails to Dr. Uppal. In  
11 December 2013, Florey did not show up to the court date. This was greatly distressing to Dr.  
12 Uppal as it was clear by now what had transpired and she was anxious to see a quick resolution  
13 and the vacating of her felony conviction. Given Florey's initial robust representation of her, his  
14 sudden retreat was unexpected and deeply concerning. Month after month passed and when Dr.  
15 Uppal finally arranged a meeting with him and asked him why he hadn't subpoenaed the records  
16 he told her that "it's not a good idea." She questioned him what he meant by this, and he  
17 expressed that he was being discouraged from subpoenaing the records but would only say by  
18 "someone you know." Florey demanded more money if Dr. Uppal wanted him to subpoena the  
19 phone records even though she had already paid him \$20,000 by written contract for him to  
20 handle the entire post-conviction matter. Dr. Uppal told Florey he would need to talk to her  
21 parents. Dr. Uppal's mother paid Florey additional money and on February 17, 2014, Florey  
22 finally subpoenaed the call detail record for Dr. Uppal's number on January 20, 2009 (Exhibit  
23 32). The incoming numbers were consistent with her caller ID. After securing the call detail for  
24 Dr. Uppal's phone number, however, Florey continued to express his reluctance in continuing as  
25 her appellate counsel. At this point his reason was that "You don't go up against a Judge." Dr.  
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Uppal reviewed again the transcript of the plea hearing on January 19, 2010. It is here where she realized that Judge Axelrood did not have a fixed, permanent belief in her guilt, but actually knew that she was factually innocent. This was exposed in Judge Axelrood's statements during sentencing of Dr. Uppal as follows:

THE COURT: What is most important, young lady, is that during the time that you are on this probation, you are to have no contact whatsoever with Dr. George Bovis or anyone at Lutheran General Hospital.

...  
THE COURT: Make sure that you comply with every aspect of this probation. I am going to tell you something. You have one of the best lawyers in the State of Illinois.

MR. MECZYK: Thank you, your Honor.  
[Emphasis Supplied]

(Exhibit 38)

Judge Axelrood's sentence was not based on the charged offense but on the actual "offense" which was no offense at all. This statement revealed his knowledge that Dr. Uppal never had any contact directly or indirectly with Bovis on January 20, 2009 but instead had contact with the on-call neurosurgeon who was physically located in Park Ridge, Illinois. If the case had gone to trial and the full evidence brought before the Court, due to Bovis' decision to add a twist to his pattern of lying by swearing and signing to it, it would have been Bovis and not Dr. Uppal who would be convicted of a felony and it would have been Dr. Uppal and not Bovis who would be practicing medicine today. Protecting Bovis from felony criminal charges and exonerating Dr. Uppal were mutually exclusive and Judge Axelrood clearly had decided it was Dr. Uppal and her EEOC case against LGH that was to be disposed of. Axelrood shamelessly did not hesitate to express his appreciation of Meczyk's cooperation in the obstruction of justice describing him as "one of the best lawyers in the State of Illinois," essentially giving Meczyk a slap on the back as a "good 'ol boy." Nevertheless, Florey's lack of reliability resulted in Dr. Uppal deciding to try

1 different counsel as she felt that Meczyk had “gotten to Florey” and Defendant Nishay K. Sanan  
2 (“Sanan”) was substituted as appellate counsel (Exhibit 59).

3 104. Dr. Uppal told Mr. Sanan to subpoena the phone companies to verify the  
4 incoming phone numbers, he said that he would. He did not. Sanan misled Dr. Uppal and her  
5 family telling them that he was busy investigating the post-conviction case when in fact only two  
6 months after being retained he filed an amended petition (Exhibit 59). Sanan issued no  
7 subpoenas, did no investigation but continuously told Dr. Uppal that he was working on the case  
8 and kept delaying court dates, asking the presiding Judge for lengthy continuances and telling Dr.  
9 Uppal and her family that he would not be able to get things resolved before the end of the year  
10 even though phone reports take only 6-8 weeks to subpoena.  
11

12 105. In October 2014, at a hearing for Dr. Uppal’s post-conviction matter, the A.S.A.  
13 gave her answer and in her answer she challenged the authenticity of documents that Sanan had  
14 filed in the amended petition, specifically a paper for the (847) 823-2050 number describing it as  
15 a “mobile” phone (Exhibit 59 & 60 p.14). In both the police reports and in the stipulated  
16 testimony, it is clear that Bovis was “at home” (Exhibits 20 & 38). In the police reports, Bovis’  
17 home address is listed as 3428 Whirlaway Drive, Northbrook, Illinois. Public property searches,  
18 voter registration and political donations also confirm Northbrook as Bovis’ home before and  
19 after the date of the alleged incident and it was the Northbrook Police Department, as opposed to  
20 the Park Ridge Police Department, where Bovis filed his false complaints against Dr. Uppal  
21 (Exhibit 20 & 61). All numbers with the NPA-NXX prefix of (847) 823 – XXXX are landlines  
22 wired in Park Ridge, Illinois and the hospital number is likely even decades old (Exhibit 32).  
23 Additionally, LGH has published policies prohibiting mobile phone use, and finally if one were  
24 to call this number they would find it would say it is a “non-working number.” That is because it  
25 is a landline phone on a Unit within the hospital and Unit phones do not accept phone calls from  
26  
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outside the hospital. Likewise, if one were to call the number that Dr. Vargish returned his page from at Mt. Sinai Hospital on January 20, 2009, (773) 475-5966, it will say "this number is being checked for trouble," because it is also a Unit landline from within a hospital (Exhibit 32). The page Dr. Uppal sent was returned from someone physically within the hospital in Park Ridge, Illinois and Bovis was physically in Northbrook, Illinois. Sanan's fraud by submitting a fake phone report alleging that the page was returned from a mobile number was a clear overt act to commit fraud against the Court and Dr. Uppal, to reconcile the call detail record with Bovis' false statements rather than exonerate Dr. Uppal and to conceal the authentic origin of the incoming calls to Dr. Uppal on January 20, 2009. Ultimately the A.S.A. exploited the Sanan's fraud to suggest that Bovis could have used a "mobile" hospital phone to return the page from his home (Exhibit 60).

106. Dr. Uppal tried to confront Mr. Sanan after the hearing but he said to call her later as he had another court appearance. Dr. Uppal repeatedly tried to contact Mr. Sanan to have him subpoena the incoming numbers and authenticate them. He never replied to her. She then flew back to Chicago knowing that the decision on her post-conviction matter was to be held on April 16, 2015 and confronted Mr. Sanan in his office accompanied with her attorney Justin D. Kaplan. Dr. Uppal demanded to see the amended petition and looked at the phone report listing the hospital number as a "mobile" phone. Dr. Uppal told Sanan to subpoena the phone companies to authenticate the incoming calls and he told her, "It's too late." Dr. Uppal also saw that there was a second, albeit identical, call detail report for her number 312-951-0275 in the amended petition, but that it bore Ralph Meczyk's signature and was dated February 2009 (Exhibit 62). This was the exact report that Dr. Uppal and Florey had searched for and ultimately had to subpoena at significant time and expense for Dr. Uppal, not to mention the possibility that the record could have been, as Florey repeatedly stated, "too old" for her have been able to subpoena.



107. Dr. Uppal interrogated Mr. Sanan as to where he got the original call detail record subpoenaed in 2009 for her phone number. Initially, Sanan told her and Mr. Kaplan that he had found it the file. Dr. Uppal told him that both she and Florey had turned the box upside down looking specifically for it and he replied that "it was crumpled in the corner. Upon being pressed further, Sanan finally admitted that Defendant Meczyk had given it to him shortly after he had been retained by Dr. Uppal in April 2014. Meczyk had the record of incoming calls all along, just as he kept two subscriber phone reports for an outgoing and unknown number, and likely also has the affidavit sworn to by Bovis as well, but deliberately concealed these material facts from Dr. Uppal even after being put on notice that a post-conviction proceeding and probable legal malpractice suit had commenced and being repeatedly requested and even ordered by the Court to turn these records over. Meczyk only turned the call detail record over after Dr. Uppal had successfully subpoenaed it in an overt attempt to conceal his concealment as well as having hindered and delayed Dr. Uppal's efforts to discover all the material facts in the 2009 case. Given the temporal perishability of phone records, hindering and delaying serves the obvious purpose of ensuring such records will never be accessible to Dr. Uppal and the evidence in the 2009 criminal case permanently destroyed in addition to running the statute of limitations to evade criminal and civil sanctions which in hindsight is clearly what Sanan was doing by delaying the case past January 19, 2015.

108. In a desperate bid to save her post-conviction matter from the damage inflicted by Sanan's malicious fraud, Dr. Uppal contacted Detective Peterson of the Northbrook Police Department to see if he had any of the evidence, in particular the sworn affidavit, from the 2009 criminal case. As expected, Detective Peterson replied that all the records had been turned over to the State's Attorney and had been destroyed (Exhibit 39). On April 10, 2015, Dr. Uppal filed a *pro se* Motion for Subpoena Power to Authenticate the Incoming Phone Numbers and for Leave

1 to File a Second Amended Petition which included a detailed description of Sanan's fraudulent  
2 phone report and his ineffective assistance of counsel plus numerous additional claims of  
3 constitutional violations not previously raised (Exhibit 63).

4 109. On April 16, 2015, the Judge presiding over the post-conviction matter dismissed  
5 the petition, stating that she knew Dr. Uppal had filed a motion but had not read it and Mr. Sanan  
6 had Dr. Uppal's motion struck from the record. Again Dr. Uppal asked Sanan if there was any  
7 way to subpoena the phone companies and he told her, "Don't ever tell anyone I faked the phone  
8 report." Again Dr. Uppal asked him if there was any way to get the authenticated reports, and he  
9 said, "No, never."

11 110. After Dr. Uppal had commenced her post-conviction proceedings, she continued  
12 to be denied by RFUMS a token that is supplied by the degree-conferring medical school to  
13 applicants for residency programs even though this is a requirement of the AAMC. This seemed  
14 odd to her given the departures of Dr. Lazarus and Patricia Bergeson in 2011 and became  
15 increasingly concerned that Defendant Welch, was behind this unending discrimination and that  
16 he was not a mere bystander who exploited Dr. Uppal's misfortune to push forward a merger  
17 with LGH but was actually complicit in the scheme. Dr. Uppal attempted to address these issues  
18 with the new Dean of Student Affairs of the medical school and was told that the policies of Dr.  
19 Lazarus would be continued (Exhibit 64).

22 111. When Dr. Uppal again tried to communicate with RFUMS on August 2, 2013, the  
23 school responded with a malicious denial of service ("DOS") attack flooding her email server  
24 with thousands of emails (Exhibit 65). Dr. Uppal then filed a complaint with the U.S.  
25 Department of Education ("DOE") (Exhibit 65). Dr. Uppal never emailed or attempted to contact  
26 RFUMS staff again.  
27  
28

112. While Dr. Uppal was awaiting the processing of her complaint with the DOE, on September 13, 2013 she noticed alerts from an old Yahoo email account dated on September 10, 2013 (Exhibit 65). These alerts informed her that her email account had been accessed by a computer in Belarus (a country in Eastern Europe) and that her password had been changed. Dr. Uppal then tried to log into her Yahoo account and was unable to until after going through the security features. When Dr. Uppal finally was able to access her Yahoo account, she saw that a second malicious DOS attack had occurred flooding her email with over 2,000 emails (Exhibit 65). On reviewing the second DOS attack, Dr. Uppal saw that this attack had been triggered by an email sent from her account to Ian Szekeres with an RFUMS email address immediately after the account had been hacked into. The second DOS attack ran for two hours resulting in nearly 14,000 pages of emails. Due to the sheer volume of the second DOS attack, the relevant Exhibit shows just the first and last DOS emails for both DOS attacks (Exhibit 65).

113. Dr. Uppal tried to contact the DOE but wasn't able to. She continued to try to notify them but then had to post-pone this until after the 2013 government shutdown had relented. On November 5, 2013, Dr. Uppal received another notice regarding her Yahoo mail account, notifying her that the account had been "locked" due to "unusual activity" (Exhibit 65). When Dr. Uppal was finally able to reach the DOE, they told her that they would not be addressing the email hacking on September 10, 2013 as this was not part of her original complaint (Exhibit 66).

114. The DOE did confront RFUMS, however, and was falsely told that the August 3, 2013 DOS attack was a "technical glitch" that Google was responsible for and that had affected everyone not just Dr. Uppal even though the DOS attack emails clearly state the error was due to a rejection by RFUMS' server (Exhibit 65). Further, they told the DOE that they had resolved the "glitch" by August 14, 2013. The staff who gave these reports to the DOE knowingly and intentionally lied to the federal investigators (Exhibit 65). After the August 2, 2013 DOS attack.

1 one of Dr. Uppal's friends sent an email to the school to check if it would result in a DOS  
2 response; it did not. Secondly, the second DOS attack occurred well after August 14, 2013 and it  
3 is clear that the cause of the DOS was an email sent to RFUMS by someone who had hacked into  
4 her Yahoo account (Exhibit 65). Further, it is also reasonable to see that the November 5, 2013  
5 "unusual activity" on her Yahoo account that resulted in the account being locked as a security  
6 precaution was the result of a second attempt by the IT staff at RFUMS to unlawfully access the  
7 account in an effort to destroy the evidence of the second DOS attack. Likely, the IT staff  
8 believed that because the DOE did not address the email hacking with RFUMS that the DOE and  
9 Dr. Uppal may not have been aware that it had occurred and believed they could destroy the  
10 evidence before it was discovered.  
11

12 115. It became clear to Dr. Uppal that the computer crimes committed against her were  
13 intended to deter her from communicating with members of the university community as well as  
14 intimidate and harass her. Additionally, in 2013 RFUMS was again having accreditation issues  
15 and placed back on probation (Exhibit 67). As in 2004, the accreditation issues were attributed  
16 to the affiliation with Advocate Lutheran General Hospital. Even though, due in large part to Dr.  
17 Uppal's and Rahm Emanuel's actions in 2010 and 2011, the plans to demolish Mt. Sinai Hospital  
18 had been aborted, RFUMS pushed forward the merger anyway and since has had both Mt. Sinai  
19 Hospital faculty and LGH faculty providing clinical teaching. As expected, however, there are  
20 significant enduring issues stemming from LGH becoming the primary affiliate in 2011 not to  
21 mention that the contract was achieved through unlawful, criminal means. The current status of  
22 RFUMS in terms of the clinical training of third and fourth year medical students appears to be  
23 in flux as expressed by the Dean who was appointed in 2013 in the following LCME report:  
24  
25  
26

27 Since his arrival as Dean of Chicago Medical School in  
28 October 2013, John Tomkowiak, MD, MOL, has been working to  
organize and lead clinical departments in a completely new

1 direction. The contract for Advocate Lutheran General Hospital to  
2 provide clinical chairs in all departments was not renewed when it  
3 ended on 4/20/14. We are currently in an interim phase in which  
4 most clinical chairs have agreed on an individual basis to continue  
5 in their roles identified in Table 2 above. Three Advocate  
6 department chairs who stepped down have been replaced by  
7 interim chairs in Family Medicine, Psychiatry, and Surgery.  
8 Appendix IS-11.1 is the Chair position template for our current  
9 department chairs.

10 As a community-based medical school, most of our clinical  
11 faculty are located at hospitals throughout the Chicago  
12 metropolitan area, and no single hospital leadership group can  
13 readily govern the educational activities of faculty throughout our  
14 system effectively. The goal for a Chicago Medical School-based  
15 Department of Clinical Sciences will be to do exactly that--to  
16 coordinate and develop the efforts of faculty at the full range of  
17 hospitals to the best advantage of our students. Given that our  
18 clinical departments have been mostly engaged in supporting our  
19 educational mission, it makes sense to organize them into a single  
20 department with education as the focus.

(Exhibit 67)

21 116. On April 30, 2015, Dr. Uppal filed a federal complaint against RFUMS for breach  
22 of contract, this was filed by Justin D. Kaplan. Dr. Uppal told Mr. Kaplan to amend the  
23 complaint as a breach of fiduciary duty to address RFUMS' refusal since 2008 to allow Dr.  
24 Uppal to apply for residency in violation of AAMC policies and to add the additional claims  
25 brought forward now in this Verified Complaint. Dr. Uppal also had Mr. Kaplan send out  
26 subpoenas to authenticate the incoming phone numbers to her phone on January 20, 2009 in  
27 support of the claims she intended to bring forward knowing that due to the age of the records  
28 they were imminently vulnerable to being permanently perished.

117. As expected, RFUMS' representative, William McErlean, moved to quash the  
subpoenas using inflammatory, false and outrageously defamatory descriptions of Dr. Uppal to  
corruptly persuade the Court to bar Dr. Uppal from ever authenticating the origins of numbers to  
her own phone (Exhibit 68). Much of false and offensive efforts McErlean put forward included

1 suggesting that Dr. Uppal was mentally disabled and a threat to public safety; tactics previously  
2 utilized by Dr. Cathy Lazarus and Patricia Bergeson to discourage external investigations into  
3 RFUMS' activities by discrediting her. The people who seek to conceal their identities when  
4 calling someone on the phone or going to their house are generally criminals like thieves and  
5 stalkers; in this case it is no different. The true intent to bar Dr. Uppal from having access to the  
6 evidence authenticating the origins of the calls to her own phone number on January 20, 2009  
7 was a continuing effort by the Defendants to conceal and destroy evidence of the their criminal  
8 and tortious acts against Dr. Uppal. The fact that Dr. Uppal sent subpoenas for these specific  
9 numbers in addition to her initial disclosures put RFUMS on notice of the claims that would be  
10 forthcoming and McErlean's actions to quash and place protective orders on this evidence  
11 exposed RFUMS as being knowledgeable of the criminal conspiracy to obstruct Dr. Uppal's  
12 EEOC case and exposed RFUMS' knowledge of the intimate details regarding Dr. Uppal's 2009  
13 case and that they know she is factually innocent.

16 118. As the federal case against RFUMS progressed, their initial disclosures also  
17 revealed that they had only two named witnesses, Patricia Bergeson and Cathy Lazarus, both of  
18 whom had departed RFUMS in 2011. The other witnesses were unnamed LGH staff. There were  
19 no other witnesses apparently from RFUMS willing or able to support the decision by RFUMS  
20 to deny Dr. Uppal annually a token to apply for applying to residency programs since 2008  
21 (Exhibit 69). All of RFUMS' witnesses were either representatives of LGH or former employees  
22 who had joined the university for the purpose of pushing the merger through. Given that the legal  
23 counsel of RFUMS is directed by the leadership at the university and not the faculty, there is no  
24 question left regarding the direct involvement of Defendants Welch, the Board of Trustees and  
25 Trustee Defendants in the conspiracy against Dr. Uppal and their culpability in the criminal and  
26 tortious acts that have been committed.

119. The motion to quash the incoming phone reports, however, was denied. As if on-cue, co-conspirator Defendant Meczyk then appeared also in an attempt to quash the subpoenas knowing full well that these were records from January 20, 2009. Meczyk's motion to quash the phone subpoenas was also denied. The Court, however, placed a protective order on the reports so that they would be for "attorneys' eyes only." This seemed strange given their obvious relevance and it was then Dr. Uppal discovered that Mr. Kaplan had not brought the claims in the first amended complaint that are being brought now in this Verified Complaint. Dr. Uppal instructed Mr. Kaplan to ask the Court for leave to file a second amended complaint, but he did not.

120. Dr. Uppal, however, had secured enough evidence that anyone who is even remotely familiar with hospital on-call policies would know on face value that Dr. Uppal was innocent in the 2009 criminal case and she had been releasing this information to members of the university community starting in 2013 when she commenced her post-conviction proceedings prior to filing her case in federal court. The knowledge, participation and assistance of the RFUMS Chair of the Board of Trustees, Gail Warden, in the conspiracy against Dr. Uppal emerged in 2013 when Anthony Armada suddenly resigned as CEO of Lutheran General Hospital in October 2013 as the LCME began monitoring RFUMS and its affiliation with LGH again. After Dr. Uppal's interviews between 2007 and 2008 alerted the AMA to her difficulties at LGH and resulted in the resignations of Bruce Campbell, CEO of LGH, and Dr. Glen Solomon, LGH had difficulty finding a new CEO willing to be complicit in a merger resultant from a criminal conspiracy essentially to kidnap Dr. Uppal and hold her hostage to prevent her from filing her suit against LGH on time and until she plead to a crime she didn't commit to exonerate LGH from wrongdoing in Dr. Uppal's termination during her residency training and secure the LCME's approval of the merger (Exhibit 74). Their first choice, David Stark



1 apparently couldn't stomach the scheme and abruptly resigned, and Gail Warden, who remained  
2 the President Emeritus at Henry Ford Health System after becoming Vice Chair and then Chair  
3 of RFUMS Board of Trustees in 2003, anxious to see the merger and demolition of Mt. Sinai  
4 Hospital through, recruited one of his own from Henry Ford, Anthony Armada to push it through  
5 (Exhibit 74). It was during the time Armada was CEO of LGH from October 2009 through  
6 November 2013, that the unlawful means and objective of the conspiracy to merge LGH with  
7 RFUMS was executed (Exhibit 74). Between Dr. Uppal continuing to investigate the 2009  
8 criminal case and releasing this information and the LCME supervision of RFUMS in 2013, it is  
9 obvious that the upper administration of RFUMS is deeply concerned about Dr. Uppal getting  
10 her hands on the phone reports that were subpoenaed by her in June 2015. One of the areas of  
11 concern raised by the LCME in 2013 were inconsistencies between the Faculty ByLaws and  
12 University Faculty ByLaws (Exhibit 67). Prior to 2015, the Just Cause for terminating a faculty  
13 member at RFUMS had been unchanged for years, but then was completely rewritten after Dr.  
14 Uppal filed her complaint in federal court clearly reflecting the injuries that the conspiracy to  
15 merge with LGH incurred on Dr. Uppal and the responsibility of those injuries being attributed  
16 in part to individuals at RFUMS:  
17  
18  
19

20 Section 5:2-02 Terminations (May 2014)

21 The only circumstances under which the University may terminate  
22 a faculty member prematurely, whether tenured or not, are where  
23 just cause, financial exigency, or elimination of a program exists.  
24 As part of the termination, a tenured faculty member shall forfeit  
25 tenure.

26 I. Just Cause: Incompetence, moral turpitude, neglect of duty,  
27 commission of a felony, improper professional conduct, or  
28 academic misconduct including scientific misconduct shall  
constitute just cause for termination of the appointment of a faculty  
member.

Section 5:2-02 Terminations (May 2015)

The remainder of this section pertains to faculty appointments for  
individuals who are employed by the University.



The only circumstances under which the University may terminate an employed faculty member prematurely, whether tenured or not, are where there is a determination, consistent with process described in this Section, of just cause, financial exigency, or elimination of a program. As part of the termination, a tenured faculty member shall forfeit tenure.

I. Just Cause: Terminations for just cause may occur upon the determination that the faculty member has exhibited behavior such as major violations of the University's Code of Conduct, willful material concealment or misrepresentation during the application for employment process, gross incompetence in the performance of duties, substantial neglect of duty, flagrant unprofessional or abusive conduct towards a member of the University community or within the University environment, willful violation of policy resulting in a significant loss of resources or risk of harm to a person, commission of a crime against the University or against any member of the University community, or commission of a felony.

Procedures:

The Dean of the school or college shall review the information available and, if deemed warranted, to make a recommendation the Vice President for Faculty and Academic Affairs to initiate the process for termination for just cause. The Vice President for Faculty and Academic Affairs shall review the recommendation and information available and will either, as deemed appropriate, prepare formal charges or return the matter to the dean for further information gathering.

(Exhibit 70)

It is clear from the revised Faculty ByLaws that there is significant awareness amongst faculty at RFUMS of the crimes committed against Dr. Uppal over the years under the leadership of RFUMS including Defendant Welch and these changes in Faculty ByLaws are not reflected in the University Faculty ByLaws. There is no question that the administrative levels of RFUMS are in conflict with members of the faculty due to the decisions made since 2004 and that these upper administrative levels, namely the Chair of the Board of Trustees and President, do not want evidence in a form admissible to a court proceeding of their actions to come to light before any court or to be secured in the possession of Dr. Uppal. They also clearly have zero regard for

Dr. Uppal's well-being and have acted to ensure that she remains wrongfully convicted for the rest of her life as they had originally planned and executed.

121. William McErlean was hired as legal counsel in a federal case brought against RFUMS. As such, all of his actions were taken as a representative of RFUMS under the authority of the Board of Trustees as described in Article IV of the University By-Laws stated here:

#### ARTICLE IV BOARD OF TRUSTEES

##### Section 1. Management, Authority and Responsibility.

(a) The Board of Trustees (sometimes herein termed "Board") shall manage the affairs of the University, have and exercise those corporate powers prescribed by law, and be responsible for the financial health and welfare of the University. The Board of Trustees shall exercise ultimate institutional authority as set forth in these bylaws and in such other policy documents it deems to be appropriate. These bylaws and other board policy statements shall take precedence over all other institutional statements, documents, and policies (including faculty bylaws). By way of illustration, these bylaws anticipate that the Board of Trustees will exercise authority with respect to:

- ...
- 2. Appointing the President and setting appropriate conditions of employment.
- 3. Establishing the conditions of employment of other key institutional officers who serve at the pleasure of the President (in consultation with the Board).
- 4. Supporting and assessing the performance of the President.

(Exhibit 71)

While the Board of Trustees may not "adopt a plan of merger or adopt a plan of consolidation with another corporation" (Exhibit 71), the Board of Trustees does decide on the appointment and employment of the President whose responsibilities include executing "bonds, mortgages and other contracts of the University" (Exhibit 71). Therefore, though the Board of Trustees may not be directly responsible for the merger with LGH and the conspiracy against Dr. Uppal to

1 carry that merger through, they certainly were aware of it in intimate detail as well as the  
2 unlawful means that were employed to accomplish it as revealed by RFUMS' counsel's  
3 aggressive efforts to quash the phone report subpoenas. This knowledge of and interest of  
4 RFUMS to conceal the evidence of the conspiracy against Dr. Uppal was further emphasized  
5 even after Dr. Uppal's federal case against RFUMS was dismissed on statutory grounds.  
6

7 122. Dr. Uppal had continued to press Mr. Kaplan to file for leave to file a second  
8 amended complaint and include the additional claims brought in this Verified Complaint. On  
9 August 25, 2015, Dr. Uppal and her parents spoke with Mr. Kaplan regarding the filing of the  
10 new claims and he said that he didn't want to be involved in anything "political." Dr. Uppal then  
11 decided to bring the new claims herself but on August 26, 2015, Dr. Uppal's federal complaint  
12 for breach of a fiduciary duty was dismissed on statutory grounds. In spite of the case being  
13 dismissed, on August 27, 2015, William McErlean, filed a motion for a protective order on the  
14 phone reports including that they be destroyed within 63 days (Exhibit 72).  
15  
16

17 123. RFUMS benefited from the scheme to merge with LGH given that if the plans, as  
18 then expected, to demolish Mt. Sinai Hospital had gone through prior to a merger with LGH,  
19 RFUMS would have lost its accreditation. Therefore, invoking the doctrine of *respondeat*  
20 *superior*, RFUMS and the Board of Trustees as employer of Defendant Welch should also be  
21 held liable for the actions against and injuries inflicted on Dr. Uppal as described herein and in  
22 particular the Chair of the Board of Trustees, Gail Warden, who clearly was intimately involved  
23 in the conspiracy if not directing it himself since joining RFUMS in 2003.  
24

25 124. Though Dr. Uppal was ultimately able to successfully subpoena the records in  
26 question and motions to quash were soundly defeated, the Defendants succeeded in their  
27 continuing criminal conspiracy against her by acting to permanently destroy the evidence of the  
28

1 criminal acts and prevent Dr. Uppal from accessing the only evidence needed to both exonerate  
2 herself and bring the relevant civil claims against them with evidence in a form admissible to a  
3 court proceeding in compliance with Rule 901 Federal Rules of Evidence. Given that the  
4 incoming call from Defendant Meczyk's Verizon phone number at 8:49 pm is represented on the  
5 call detail report by a PBX line/trunk line for which Verizon did not find any records, the only  
6 way to authenticate this incoming call is through a call detail record for Meczyk's phone number  
7 on January 20, 2009 (Exhibit 32).

8  
9 125. According to Verizon, they only keep call detail records for a period of seven  
10 years (Exhibit 73). In June 2015 when these records were subpoenaed, they were already 6.5  
11 years old. Within two or three months from the filing of this Verified Complaint, those records  
12 will be permanently out of the reach of Dr. Uppal unless the Court intervenes. Finally, Mr.  
13 Kaplan relayed threats issued by William McErlean, directed not only at Dr. Uppal but to her  
14 family that she would be fined for nuisance and they would cause other harm to Dr. Uppal and  
15 her family if she attempted to file any more complaints in federal court. Nevertheless.  
16  
17

18  
19 **FIRST CAUSE OF ACTION**  
20 **(Conspiracy - Against ALL Defendants)**

21 **COUNT I – CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS**  
22 **CIVIL ACTION FOR DEPRIVATION OF RIGHTS**  
23 **ACTION FOR NEGLECT TO PREVENT**  
24 **(42 USC § 1985, §1986, § 1983)**

25 126. Plaintiff Uppal re-alleges and reincorporates all the paragraphs in this Verified  
26 Complaint as if fully set forth herein.  
27  
28

1        127. This Count is brought against Defendants Welch, Meczyk and Trustee Defendants,  
2 alleging a cause of action under 42 U.S.C. § 1983, § 1985 and §1986, by means in violation of  
3 18 U.S.C § 1510, §1513, § 1512, § 1503, § 1505 and § 241.

4  
5        128. At all relevant times, the Defendants were private persons, jointly engaged with  
6 state officials, acting “under color” of state law for purposes of 42 U.S.C. § 1983, 1985 and were  
7 “persons” for purposes of 42 U.S.C. § 1986 actions.<sup>2</sup>

8        129. Defendants and other co-conspirators, known and not yet known to Plaintiff  
9 reached an agreement amongst themselves to obstruct Dr. Uppal from bringing suit against  
10 Advocate Lutheran General Hospital for Title VII Civil Rights Acts of 1964 violations under the  
11 Equal Employment Opportunity Commission by the deadline she was given of November 14,  
12 2009 and in violation of Plaintiff’s constitutional rights as well as state and federal criminal laws,  
13 as described above.  
14

15        130. In this manner, the Defendants, acting in concert with other known and unknown  
16 co-conspirators, conspired to accomplish a lawful purpose, a merger between Rosalind Franklin  
17 University of Medicine & Science and Advocate Lutheran General Hospital, by an unlawful  
18 means.  
19

20        131. The misconduct described in this Count was objectively unreasonable and was  
21 undertaken intentionally with willful and reckless indifference to Plaintiff’s rights under U.S.  
22 Federal law. At no point did any of the Defendants take any actions to prevent the wrongs  
23  
24  
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26

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27 <sup>2</sup> “Private persons, jointly engaged with state officials in the challenged actions, are acting “under color”  
28 of law for purposes of § 1983 actions. Judicial immunity does not insulate from damages liability those  
private persons who corruptly conspire with a Judge. *Dennis v. Sparks*, 449 U.S. 24, 27-28 (1980).

1 conspired from being done having power to prevent or aid in preventing the commission of the  
2 same.

3 132. In furtherance of the conspiracy, each of the Defendants with other known and not  
4 yet known co-conspirators, committed overt acts and was an otherwise willing participant in  
5 joint activity to maliciously oppress, threaten, injure and otherwise harm Dr. Uppal as well as  
6 fraudulently conceal and/or destroy material facts regarding their actions. The Defendants also  
7 conspired to cover-up their unlawful acts by introducing false, fictitious and questionable  
8 documents to Court proceedings and corruptly persuade a federal court to conceal and/or destroy  
9 the material evidence of their unlawful acts in violation of 18 U.S.C. § 1512.  
10

11 133. As a direct and proximate result of the illicit agreement referenced above,  
12 Plaintiff's rights were violated and she suffered and continues to suffer and it is foreseeable that  
13 she will forever suffer substantial and irreparable harm, including lost income, the loss of her  
14 career in medicine, out of pocket expenses, legal expenses, loss of enjoyment in life and severe  
15 personal and economic devastation.  
16

17 WHEREFORE, the Plaintiff seeks relief as is hereinafter pleaded.  
18

19  
20 **COUNT II – SPOILIATION OF EVIDENCE (NEGLIGENCE)**

21 134. Plaintiff Uppal re-alleges and incorporates all of the paragraphs in this Verified  
22 Complaint as if fully set forth herein.

23 135. From January 2013 through 2015, Defendant Meczyk received multiple written  
24 and other notices of pending or probable litigation involving the Plaintiff and the criminal case of  
25 2009.  
26

27 136. The material evidence of her 2009 criminal case were in the possession of  
28 Defendant Meczyk since January 2009.

1           137. After repeated notices that triggered Defendant Meczyk's duty to preserve the  
2 material evidence of the 2009 criminal case, Defendant Meczyk intentionally, wantonly,  
3 maliciously and willfully destroyed the relevant material evidence in his possession.  
4

5           138. Defendant Meczyk's actions disrupted and ultimately prevented Dr. Uppal from  
6 having her felony conviction vacated and bringing relevant claims against him and his co-  
7 conspirators.

8           139. In 2015, all above named Defendants intentionally, maliciously, willfully and  
9 corruptly persuaded the Court to destroy the same material evidence referenced above, in  
10 violation of 18 U.S.C. §1512, thereby preventing Plaintiff from bringing actions for relevant  
11 claims against them and clearly foreseeing the harm and injury it would cause Plaintiff  
12 specifically to prevent the Plaintiff from being able to prove an underlying lawsuit.  
13

14           140. As a direct and proximate result of the Defendants' spoliation of evidence, Dr.  
15 Uppal was irreparably harmed, including the loss of income, the loss of her career in medicine,  
16 out of pocket expenses, legal expenses, loss of enjoyment in life, severe personal and economic  
17 devastation and was deprived of her rights under Federal law.  
18

19 WHEREFORE, the Plaintiff seeks relief as is hereinafter pleaded.  
20

21  
22 **COUNT III – ABUSE OF PROCESS**

23           141. Plaintiff re-alleges and incorporates all the paragraphs in this Verified Complaint  
24 as if fully set forth herein.

25           142. Defendants have abused the process of two official court proceedings in a  
26 wrongful manner, not proper in the regular conduct of the proceedings, *The People of the State of*  
27 *Illinois v. Prabhjot Uppal*, No. 09 C2 20073 (Ill. 2d 2010) and in *Uppal v. Rosalind Franklin*  
28

1 *University of Medicine & Science*, No. 15 Civ. 3806 (N.D.I.L. August 26, 2015), in ways the  
2 courts were not designed, specifically, for the suppression of evidence, the obstruction of justice,  
3 and the furtherance of a conspiracy to deprive Plaintiff of her rights under Federal laws.

4  
5 143. Defendants, and each of them, acted with ulterior motives to cause irreparable  
6 harm and injury to Plaintiff including the loss of her career in medicine, legal expenses, loss of  
7 income, damage to her reputation and employability, loss of enjoyment of life, personal and  
8 economic devastation and loss of emotional tranquility.

9  
10 144. Defendants, and each of them, acted willfully and maliciously to harm, oppress  
11 and injure Plaintiff through the improper use of the courts in the above references cases.

12 145. That said damage, loss and harm was the proximate and legal result of the use of  
13 such legal processes by the Defendants.

14 WHEREFORE, the Plaintiff seeks relief as is hereinafter pleaded.

15  
16  
17 **COUNT IV – FALSE IMPRISONMENT**

18 146. Plaintiff re-alleges and incorporates all the paragraphs in this Verified Complaint  
19 as though set forth herein.

20 147. Through actions described herein, between November 3, 2009 and January 19,  
21 2010, Defendants intentionally confined Plaintiff without legal justification.

22 148. Plaintiff did not consent to such confinement.

23  
24 149. As a proximate result of the acts herein Plaintiff is entitled to damages in an  
25 amount to be proven at trial.

26 WHEREFORE, the Plaintiff seeks relief as is hereinafter pleaded.



**COUNT V – PRESERVATION OF EVIDENCE PRELIMINARY  
AND PERMANENT INJUNCTIVE RELIEF**

**Relief Requested and Applicable Standard**

This Court must issue a preliminary and permanent injunction to prevent the destruction of all telephone metadata or ‘call detail,’ records in the possession of the Defendants, their agents, representatives, servants, employees and attorneys as well as Justin D. Kaplan that is relevant to the claims at issue in this Verified Complaint pursuant to Fed. Civil Rule 65(B). Specifically, the very same reports for which a protective order was requested and entered in on August 27, 2015 by William McErlean, representing the Defendants in *Uppal v. Rosalind Franklin University of Medicine & Science*, No. 15 Civ. 3806 (N.D.I.L. August 26, 2015), for incoming call to Plaintiff’s phone, 312-951-0275, on January 20, 2009.

Defendants’ duty to preserve evidence arose when there existed a potential for litigation and the party knew or reasonably should have known of that potential.<sup>3</sup> Also, the duty to preserve relevant evidence may arise before the commencement of a lawsuit if it is reasonably foreseeable that a lawsuit will be filed. The common law duty to preserve evidence arises at “the moment that litigation is reasonably anticipated.”<sup>4</sup> This moment began when Plaintiff issued four subpoenas to AT&T and Verizon for the incoming phone numbers that called her home phone number on January 20, 2009 as described in this Verified Complaint. RFUMS acted to place a protective order on those phone reports on June 26, 2015 so that those reports would be for

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<sup>3</sup> *Chrysler Realty Co., LLC v. Design Forum Architects, Inc.*, No. 06-CV-121785, 2009 U.S. Dist. LEXIS 121411, \*7-8 (E.D. Mich. Dec. 31, 2009) “[T]he first step in the [sanctions] analysis is determine the ‘trigger date,’ or ‘the date a party is put on notice that it has a duty to preserve evidence . . . Any destruction of potentially relevant evidence that occurs after the trigger date, however, is not allowed.”)

<sup>4</sup> *Hynix Semiconductor, Inc.*, 645 F.3d 1336; *Micron Tech., Inc. v. Rambus Inc.*, 645 F.3d 1311 (Fed. Cir. 2011); *Victor Stanley*, 269 F.R.D. at 521.

1 “attorneys’ eyes only” and later successfully motioned for permanent protective orders to destroy  
2 those phone reports on August 27, 2015 within 63 days of the order.

3 Such pre-litigation requests for documents arising out of similar events or circumstances  
4 triggers a duty to preserve relevant evidence.<sup>5</sup> When a party may be deemed to be on notice is a  
5 function of the variable chronologies along which issues develop in a lawsuit. Thus, in one case  
6 it may be a discovery request, in another the complaint, in still another correspondence prior to  
7 the filing of a complaint, that puts a party on notice that material in its custody is, or reasonably  
8 should be considered, admissible evidence which the party has a legal duty to preserve.<sup>6</sup> Other  
9 courts have held that once a party knows that information may be relevant to a reasonably  
10 foreseeable claim, a duty to preserve such evidence arises. For instance, in the oft-cited *Zubalake*  
11 decision, the court found that an employer had a duty to preserve certain electronic records  
12 destroyed before an employee ever filed a charge of discrimination which would have triggered a  
13 statutory duty to preserve evidence. Consequently, the court held that the duty to preserve  
14 attached at the time that litigation was “reasonably anticipated,” and that the relevant people at  
15 the employer anticipated litigation months before the employee filed her charge of discrimination.  
16  
17  
18

19 To grant a preliminary injunction, the court examines four factors: (1) whether there is a  
20 substantial likelihood that plaintiff will prevail on the merits; (2) whether the plaintiff will suffer  
21 irreparable injury if the injunction is not granted; (3) whether no third parties will be  
22 unjustifiably harmed if the injunction is granted; and (4) whether the public interest will be  
23

24  
25 <sup>5</sup> *EEOC v. JP Morgan Chase Bank, N.A.*, 2013 U.S. Dist. LEXIS 27499 (S.D. Ohio Feb. 28, 2013)  
26 (focusing on the pre-lawsuit events that triggered a bank’s duty to preserve data and suspend its automatic  
27 purging process, including notice from the EEOC that it was investigating class allegations and a request  
28 for information from the commission).

<sup>6</sup> *Abramowitz v. Inta-Bores Acres, Inc.*, No. 98-CV-4139 (ILG), 1999 U.S. Dist. LEXIS 20005, \*7-8  
(E.D.N.Y. Nov. 16, 1999) (citing *Kronisch v. United States*, 150 F.3d 112, 126 (2d Cir. 1998))

1 served by the injunction.

2 **I. Plaintiff is likely to succeed on the merits of her Complaint especially if the**  
3 **records in question are not permanently destroyed**

4 It is already known based on the facts, circumstances and evidence of the 2009 criminal  
5 case what the phone reports that this preliminary injunction is intended to preserve contain. What  
6 is being requested for this Court to preserve is the evidence simply in an authenticated form that  
7 satisfies the requirements to be admissible in a court proceeding in accordance with Rule 901 of  
8 Federal Rules of Evidence. These reports are evidence that overwhelmingly support the claims as  
9 described in this Verified Complaint as well as evidence of the Defendants' criminal acts and  
10 conspiracy against Plaintiff. The entire purpose and intent of the Defendants' desire to destroy  
11 and or permanently conceal the telephone records in question from the Plaintiff is to ensure that  
12 she is unable to prove an underlying lawsuit, specifically the claims brought herein. Given that  
13 these phone reports really are the only missing piece of evidence, once secured it is extremely  
14 likely that the Plaintiff will succeed on the merits of this Verified Complaint. The multiple overt  
15 acts by the Defendants continuing to date have been specifically targeted at the incoming phone  
16 records to 312-951-0275 on January 20, 2009 to conceal and/or destroy them from being used in  
17 multiple causes of action against them. In addition, all Defendants have acted fraudulently and  
18 corruptly to obstruct, hinder and delay Plaintiff from accessing this evidence in the hopes that  
19 she will never be able to secure do so. The repeated actions of the Defendants on their own  
20 initiative to go to extreme lengths to conceal and destroy the phone reports indicates strongly that  
21 the Plaintiff is highly likely to prevail on the merits of her claims.

22 **II. Plaintiff has already suffered irreparable harm due to the destruction and**  
23 **concealment of these telephone records and it is therefore foreseeable that the**  
24 **Plaintiff will continue to suffer irreparable harm**

25 The Defendants have repeatedly acted overtly to destroy and/or conceal the telephone  
26  
27  
28

1 reports that are the subject of and reason for this preliminary injunction as well as to repeatedly  
2 obstruct Plaintiff's attempts to secure these records including corruptly persuading the Court to  
3 place a Protective Order on them and allow for them to be destroyed. These acts have already  
4 caused significant irreparable injury to Plaintiff. It is clearly foreseeable that concealment and  
5 destruction of these records will continue if the Court does not intervene and will continue to  
6 cause irreparable harm and injury to Plaintiff. Furthermore, telephone companies do not keep  
7 phone reports indefinitely and one of the reports requested from Verizon is only kept for a period  
8 of seven years. One specific call detail report for Defendant Ralph Meczyk's incoming call to  
9 Plaintiff on January 20, 2009 from (312) 636-6360, a Verizon phone number, was already six-  
10 and-a-half years old when it was subpoenaed by Plaintiff in June of 2015. If this report, which is  
11 in the possession of the Defendants' attorneys as well as Justin D. Kaplan, is destroyed and  
12 Plaintiff is further hindered from subpoenaing it within the next two or three months, it is  
13 guaranteed that the report will be permanently lost forever and the injuries to Plaintiff will be  
14 permanent and completed. Not only will failing to preserve the evidence prevent Plaintiff from  
15 having a complete record to support causes of actions against the Defendants in this Complaint,  
16 but it will also prevent her from potentially having her felony conviction vacated and being able  
17 to practice medicine.

21 **III. No third parties will be unjustifiably harmed if the injunction is granted**

22 The Plaintiff already knows what is in the reports for which this motion for a preliminary  
23 injunction to preserve has been filed. The true intent of the Defendants' actions to conceal this  
24 evidence is not because the evidence would present unjustifiable harm to any third parties but  
25 because they want to prevent Plaintiff from securing evidence in a form admissible to Court  
26 proceedings against them with the relevant claims in this Verified Complaint and for no other  
27  
28

1 reason; such "harm" is not unjustifiable. Furthermore, everyone has the right to know the  
2 identities of who is calling them on their own home phone just as much as everyone has the right  
3 to know who is knocking outside on the front door of their house. If this were not the case, front  
4 door peep holes, caller IDs, and windows on private property would be illegal and considered  
5 obtrusive into the right to privacy of others. People who do not want their identities revealed  
6 when they call someone on the phone or go to their house are usually criminals like thieves and  
7 stalkers. Or as in this case, criminals who are trying to conceal their criminal acts and  
8 commission of multiple torts against Plaintiff. The reports from the subpoenas at matter here are  
9 in many ways like rodenticide; if you're a rat, it's toxic. If you're not a rat, there is nothing  
10 enticing about it and if accidentally ingested will cause no harm.

11  
12  
13 **IV. The public interest is always served when justice is served and Civil and**  
14 **Constitutional rights are not unlawfully violated with impunity**

15 Plaintiff's Constitutional and Civil Rights have been violated by the Defendants'  
16 concealment and/or destruction of the phone records for which this preliminary and permanent  
17 injunction is being requested at the cost of her career in medicine and other personal and  
18 monetary devastation. The Defendants' concealment and spoliation of the records in question  
19 have in fact ruined her life, all while she remains burdened with a \$250,000+ in medical school  
20 debt. The Defendants have continued to cause Plaintiff irreparable harm and incur significant  
21 injuries by obstructing her efforts to secure the evidence as well as maliciously and oppressively  
22 hinder and delay proceedings to make it increasingly imminent that Plaintiff will never be able to  
23 secure the necessary evidence in a form admissible in an official court proceeding before it is  
24 destroyed permanently all whilst depleting her of substantial financial resources. The Defendants  
25 have unlawfully obstructed a federal proceeding and have defrauded Plaintiff over hundreds of  
26 thousands of dollars in the process and have repeatedly acted overtly to obstruct Plaintiff's  
27  
28

1 access to these records to prevent her from using the records against them in and to her own  
2 benefit in any official court proceeding. Additionally, the Defendants have threatened her and  
3 her family to discourage her from accessing the courts, one of the highest and most essential  
4 privileges of citizenship, as a means of furthering concealing and/or destroying any attempts by  
5 Plaintiff to secure the records for which this preliminary and permanent injunctive relief is being  
6 respectfully requested.

7  
8 **V. Conclusion**

9 A preliminary and permanent injunction should be issued because:

- 10 1) Plaintiff is likely to succeed on the merits of her Verified Complaint
- 11 2) An injunction is necessary to provide the Plaintiff with evidence already in her
- 12 possession but in a form that satisfies Rule 901 of the Federal Rules of Evidence
- 13 for authentication so that the evidence is admissible in a Court proceeding.
- 14 3) Plaintiff has already suffered irreparable harm and injury as a result of
- 15 concealment and/or destruction of these records and in the effort to secure them
- 16 and will continue to suffer permanent injury if the preliminary and permanent
- 17 injunction is not ordered given that the destruction and lack of future availability
- 18 of these records is imminent and at least one of the records from its original
- 19 source is imminently vulnerable to being permanently perished.
- 20 4) Granting the Plaintiff injunctive relief is the appropriate way to serve the public
- 21 interest in the matter.
- 22
- 23
- 24
- 25
- 26
- 27
- 28

**COUNT VI - NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

150. Plaintiff re-alleges and incorporates all paragraphs in this Verified Complaint as though fully set forth.

151. All Defendants, and each of them, knew or reasonably should have known that the conduct described herein would and did proximately result in physical and emotional distress to Plaintiff.

152. At all relevant times, all Defendants, and each of them, had the power, ability, authority, and duty to stop engaging in the conduct described herein and/or to intervene to prevent or prohibit said conduct.

153. Despite said knowledge, power, and duty, Defendants negligently failed to act so as to stop engaging in the conduct described herein and/or to prevent or prohibit such conduct or otherwise protect Plaintiff. To the extent that said negligent conduct was perpetrated by certain Defendants, the remaining Defendants confirmed and ratified said conduct with the knowledge that Plaintiff's emotional and physical distress would thereby increase, and with a wanton and reckless disregard for the deleterious consequences to Plaintiff.

154. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered and continues to suffer serious emotional distress, humiliation, anguish, emotional and physical injuries, as well as economic losses, all to her damage in amounts to be proven at trial.'

**SECOND CAUSE OF ACTION**  
**(Legal Malpractice - Against Defendant Meczyk)**

**COUNT I - BREACH OF FIDUCIARY DUTY**

155. Plaintiff re-alleges and incorporates all the paragraphs in this Verified Complaint as if fully set forth herein.

1           156. From 2008 through January 19, 2010, Defendant Meczyk was retained by Dr.  
2 Uppal as her criminal defense counsel and thereby owed Dr. Uppal a fiduciary duty. As a result  
3 of that attorney-client confidential relationship, Meczyk assumed a position of trust and  
4 influence and had a duty, among other things, to perform the services for which he was retained  
5 with reasonable care and skill, to act in Plaintiff's highest and best interests at all times, and to  
6 not expose Plaintiff to unnecessary risk or peril. This fiduciary and confidential relationship was  
7 never repudiated by the Defendant at any time herein mentioned.  
8

9           157. Defendant Meczyk, breached his fiduciary duties and obligations to Plaintiff by  
10 doing all of the acts and omissions as herein alleged. Among other things, Defendant Meczyk  
11 breached his duty by failing to properly counsel and advise Plaintiff in regards to a 2009 criminal  
12 case by deceiving and inducing Plaintiff to plead guilty to a felony crime that he knew she did  
13 not commit while he possessed and fraudulently concealed the material facts of her factual  
14 innocence from Plaintiff.  
15

16           158. Defendant Meczyk, in doing all of the above described acts and omissions  
17 constituting Defendant's breach of his fiduciary duties owed to Plaintiff, Plaintiff has sustained  
18 damages, including but not limited to, loss of her career in medicine, loss of earnings, loss of  
19 enjoyment of life, loss of liberties, and substantial other personal and economic devastation and  
20 damages to be presented at trial, all according to proof.  
21

22           159. The acts and omissions constituting breach of Defendant Meczyk's fiduciary  
23 duties were committed with oppression, fraud and malice. As a result, Plaintiff, in addition to  
24 actual damages, may recover exemplary damages for the sake of example and by way of  
25 punishing Defendant Meczyk.  
26

27 WHEREFORE, the Plaintiff seeks relief as is hereinafter pleaded.  
28



**COUNT II – FRAUDULENT CONCEALMENT**

160. Plaintiff re-alleges and incorporates all the paragraphs in this Verified Complaint as if fully set forth herein.

161. From 2008 through January 19, 2010, Defendant Meczyk was retained by Dr. Uppal as her criminal defense counsel and thereby owed Dr. Uppal a fiduciary duty. As a result of that attorney-client confidential relationship, Meczyk assumed a position of trust and influence and owed her the duty of loyalty.

162. From January 20, 2009 through January 19, 2010, Defendant Meczyk willfully and wantonly with the intent to maliciously oppress and injure Plaintiff, concealed material facts and his knowledge of those material facts regarding her arrest on January 20, 2009 that she was factually innocent of the crime she was charged with and that the criminal charges were the result of perjury committed by the complaining witness who was the subject of a then ongoing EEOC investigation brought by the Plaintiff against Advocate Lutheran General Hospital.

163. From 2010 through the present date, Plaintiff has repeatedly attempted to discover all the material facts of the 2009 criminal case. Two times between 2011 and the present time, attorneys representing Plaintiff requested Defendant Meczyk to turn over his case files for the 2009 case, both times Defendant did not and concealed the material facts of the case.

164. Since 2010 and continuing to the present time, every and all efforts employed by Plaintiff through and by her attorneys seeking the material facts and evidence in the 2009 case has been met with Defendant Meczyk issuing threats to injure Plaintiff, attempts to have Plaintiff falsely arrested and otherwise harm Plaintiff as well as her mother, refusals to adhere to court orders, and in 2015 corruptly and through deception persuading a federal court to destroy and

1 conceal the material facts and evidence of the 2009 case so as to prevent the Plaintiff from its  
2 discovery.

3 165. As a direct and proximate result of Defendant Meczyk's fraudulent concealment  
4 referenced above, Plaintiff was induced to plead guilty to a criminal act she did not perform, has  
5 suffered and continues to suffer and it is foreseeable that she will forever suffer substantial and  
6 irreparable harm, including lost income, the loss of her career in medicine, out of pocket  
7 expenses, legal expenses, loss of enjoyment in life and severe personal and economic devastation.  
8 WHEREFORE, the Plaintiff seeks relief as is hereinafter pleaded.  
9  
10  
11

### 12 **COUNT III – FRAUDULENT MISREPRESENTATION**

13 166. Plaintiff re-alleges and incorporates all the paragraphs in this Verified Complaint  
14 as if fully set forth herein.

15 167. From 2008 through January 19, 2010, Defendant Meczyk was retained by Dr.  
16 Uppal as her criminal defense counsel and thereby owed Dr. Uppal a fiduciary duty. As a result  
17 of that attorney-client confidential relationship, Meczyk assumed a position of trust and  
18 influence and owed her the duty of loyalty.  
19

20 168. Between January 20, 2009 and January 19, 2010, Defendant Meczyk told Dr.  
21 Uppal in regards to the 2009 criminal case brought against her, that she was "guilty as sin," was  
22 "guaranteed to lose at trial," when in fact, Meczyk knew that Dr. Uppal was innocent and that  
23 her case was easily proven by the phone reports of the incoming calls to her number on January  
24 20, 2009 that were in his possession as well as the police reports and sworn affidavit also in his  
25 possession.  
26  
27  
28

1           169. At the end of October 2009, Defendant Meczyk told Dr. Uppal that the charges  
2 against her would be dismissed and that there would be no trial on November 3, 2009 when in  
3 fact a trial was scheduled to take place on November 3, 2009 and that the charges against her had  
4 not been dismissed.  
5

6           170. On November 3, 2009, Defendant Meczyk, did not inform Dr. Uppal when it was  
7 time for her to return to the Courtroom in Skokie where a hearing was taking place and mislead  
8 the Court to believe that he was unable to reach her by phone when in fact he could have and did  
9 not attempt to and in fact had instructed Dr. Uppal to wait for him to call her. As a result of  
10 Meczyk's fraudulent misrepresentations by omission, a warrant was issued for Dr. Uppal's arrest  
11 and she was remanded into custody.  
12

13           171. Defendant Meczyk's fraudulent misrepresentations to Dr. Uppal were intended to  
14 induce her to plead guilty to a felony crime.  
15

16           172. Plaintiff justifiably, reasonably and detrimentally relied upon the false statements  
17 made by Defendant Meczyk and plead guilty to a felony crime she did not commit.  
18

19           173. As a direct and proximate result of Defendant Meczyk's fraudulent  
20 misrepresentations, Dr. Uppal was irreparably harmed, including the loss of income, the loss of  
21 her career in medicine, out of pocket expenses, legal expenses, loss of enjoyment in life, severe  
22 personal and economic devastation and was deprived of her rights under Federal law.  
23

24           WHEREFORE, the Plaintiff seeks relief as is hereinafter pleaded.  
25

#### 26                                   **COUNT IV – AIDING AND ABETTING**

27           174. Plaintiff re-alleges and incorporates all the paragraphs in this Verified Complaint  
28 as if fully set forth herein.

1        175. At all times relevant hereto, the Defendant Meczyk owed certain fiduciary  
2 obligations to Plaintiff having entered into a confidential attorney-client relationship with her in  
3 2008. As such Defendant Meczyk owed Plaintiff the following duties:

- 4            a. the duty of undivided loyalty and the duty to refrain from engaging in unfair  
5 dealings or self-dealings;  
6  
7            b. the duty to fully disclose all material facts germane to the fiduciary relationship;  
8  
9            c. the duty to refrain from acting on behalf of any party having an interest adverse to  
10 Plaintiff;  
11  
12           d. the duty to act in the highest good faith to Plaintiff and to refrain from obtaining  
13 or accepting any advantage over her in the Plaintiff's affairs by the slightest  
14 misrepresentations or concealment.

15        176. Additionally, Plaintiff reposed trust and confidence in Defendant Meczyk to  
16 handle her affairs. And in turn, Defendant accepted that trust and confidence including a retainer  
17 of \$70,000, thereby creating a fiduciary relationship.

18        177. Defendant Meczyk breached his fiduciary obligations to Plaintiff and caused  
19 damages to Plaintiff in an amount to be proven at trial through his specific actions and inactions.

20        178. Defendant Meczyk acted with complicity and knowledge of those breaches.

21        179. Defendant aided and abetted, encouraged, and rendered substantial assistance to  
22 George Bovis in evading exposure to criminal charges for his criminal act on January 20, 2009  
23 against Plaintiff.  
24

25        180. Defendant Meczyk foresaw, realized and intended that his conduct would  
26 substantially assist the accomplishment of the wrongful and criminal conduct and scheme alleged  
27 herein.  
28

1           181. As a result of the substantial assistance of Defendant Meczyk to George Bovis,  
2 Plaintiff has suffered and continues to suffer substantial personal and monetary devastation, all in  
3 an amount to be determined according to proof at trial.

4  
5           182. Defendant Meczyk's individual and collective acts and omissions were substantial  
6 contributing factors and causes of violations of the duties as set forth in this Count and to  
7 Plaintiff's harm and damages, rendering Defendant Meczyk liable to Plaintiff.

8 WHEREFORE, the Plaintiff seeks relief as is hereinafter pleaded.

9  
10                           **COUNT V – UNJUST ENRICHMENT**

11           183. Plaintiff re-alleges and incorporates all the paragraphs in this Verified Complaint  
12 as if fully set forth herein.

13           184. Plaintiff reposed trust and confidence in Defendant Meczyk to handle her affairs.  
14 And in turn, Defendant accepted that trust and confidence including the benefit to him of a  
15 retainer of \$70,000, thereby creating a fiduciary relationship.

16  
17           185. Defendant Meczyk breached his fiduciary obligations to Plaintiff and caused  
18 damages to Plaintiff in an amount to be proven at trial through his specific actions and inactions.

19           186. Defendant Meczyk acted with complicity and knowledge of those breaches.

20           187. It would be inequitable and unconscionable for Defendant Meczyk to be  
21 permitted to retain the \$70,000 retainer after having had breached his fiduciary obligations to her.

22 WHEREFORE, for the reasons set forth above, Plaintiff respectfully request that this Court find  
23 in her favor and against Defendant Meczyk, order Meczyk to compensate Plaintiff for all  
24 damages to be proven at trial and any other relief the Court deems equitable and just.  
25  
26  
27  
28

**THIRD CAUSE OF ACTION**

**(Personal Injury Against Defendants Welch, RFUMS & Board of Trustees)**

**COUNT I – TRESPASS OF CHATTELS**

188. Plaintiff re-alleges and incorporates all the paragraphs in this Verified Complaint as if fully set forth herein.

189. On August 2, 2013, Defendants reset the server of Rosalind Franklin University of Medicine & Science to recognize and reject emails from Plaintiff and create a malicious email loops resulting in a denial of service attack. As a result, on August 2, 2013 Plaintiff's private email account was flooded with emails preventing Plaintiff from using the email account.

190. On September 10, 2013, Defendants, without the consent or authority and against the will of the Plaintiff, committed computer fraud by gaining unauthorized access to Plaintiff's private email account, changed the password resulting in the complete exclusion of Plaintiff from her property including preventing both her ingress and egress, sent emails from her private account triggering a malicious denial of service attack resulting in 2,050 seven page emails (13,000+).

191. On November 5, 2013, Defendants again attempted to gain access to Plaintiff's private email account against Plaintiff's will and without Plaintiff's consent.

192. The effect of Defendants' conduct, as described above, has been to inflict emotional distress on Plaintiff. In addition to damage already caused there is the damage unknown to Plaintiff and the foreseeability that the Defendants will continue to access her private email accounts to commit criminal acts while impersonating her, gain access to privileged and confidential communications in the property of Plaintiff, destroy evidence and other mayhem with the intent to maliciously harm, oppress and intimidate Plaintiff.

1        193. As a direct and proximate result of Defendant Welch, Defendant RFUMS and  
2 Defendants Board of Trustees, jointly and severably, actions described above, Plaintiff was  
3 irreparably harmed and suffered infliction of emotional distress.

4  
5 WHEREFORE, the Plaintiff seeks relief as is hereinafter pleaded.

6  
7                                    **COUNT II – FALSE LIGHT**

8        194. Plaintiff re-alleges and incorporates all the paragraphs in this Verified Complaint  
9 as if fully set forth herein.

10        195. On June 26, 2015, Defendants Welch, RFUMS and the Board of Trustees,  
11 through and by their attorney William McErlean made public by filing several documents with  
12 the federal court and thereby giving publicity to matters concerning Plaintiff that placed Plaintiff  
13 before the public in a false light.

14        196. The false light in which the Defendants placed Plaintiff was intended to corruptly  
15 persuade the Court to become unwittingly complicit in furtherance of criminal conspiracy by  
16 withholding records, documents or others objects, from an official proceeding and to destroy  
17 and/or conceal records, documents and other objects with intent to impair the object's integrity  
18 or availability for use in an official proceeding in violation of 18 U.S.C. 1512 as well as to  
19 maliciously injure and oppress Plaintiff.  
20

21        197. The false light in which the Defendants placed Plaintiff before the public would  
22 be highly offensive to a reasonable person.

23        198. Defendants had knowledge of and acted with reckless disregard as to the falsity of  
24 the publicized matter and the false light in which Plaintiff would be placed.  
25

26        199. Plaintiff has suffered damages including infliction of emotional distress, loss of  
27 reputation, vulnerability to discrimination and prejudice, threatening Plaintiff's constitutional  
28



1 right to access the courts in the future and loss of access to records, documents and objects that  
2 are evidence of criminal acts committed against Plaintiff by the Defendants thereby preventing  
3 her from using these records, documents or objects in a form admissible in an official court  
4 proceedings in accordance with Rule 901 of Federal Rules of Evidence in claims against the  
5 Defendants.  
6

7 WHEREFORE, the Plaintiff seeks relief as is hereinafter pleaded.

8 **COUNT III – UNJUST ENRICHMENT**

9 200. The Plaintiff re-alleges and incorporates all of the paragraphs in this Verified  
10 Complaint as if fully set forth herein.

11 201. Plaintiff provided a benefit to Defendants RFUMS and Board of Trustees by  
12 making tuition payments totaling in excess of \$250,000.

13 202. In return, upon graduating from RFUMS, Plaintiff expected to be able to practice  
14 medicine which would avail her to the income necessary to make payments towards her medical  
15 school debt (Exhibit 75)  
16

17 203. The Defendants have acted, as described in this Verified Complaint, in various  
18 ways to ensure that Plaintiff can never practice medicine. This is tantamount to refusing to  
19 provide Plaintiff her medical degree despite Plaintiff having successfully completed the  
20 Doctorate of Medicine program and having been conferred her Doctorate of Medicine in June  
21 2005.  
22

23 204. It would be inequitable and unconscionable for RFUMS and the Board of  
24 Trustees to be permitted to retain Plaintiff's tuition payments in lieu of their actions to prevent  
25 her from ever securing employment as a physician all whilst maliciously and intentionally taking  
26 actions against Plaintiff to deplete her of existing independent resources.  
27  
28

1 WHEREFORE, for the reasons set forth above, Plaintiff respectfully requests that this Court find  
2 in her favor against RFUMS and the Board of Trustees, order RFUMS and the Board of Trustees  
3 to compensate Plaintiff for all damages to be proven at trial and any other relief the Court deems  
4 equitable and just.  
5

6 **FOURTH CAUSE OF ACTION**  
7 **(Respondeat Superior - Against RFUMS and Board of Trustees)**

8 **COUNT I – RESPONDEAT SUPERIOR**

9 205. Plaintiff Uppal re-alleges and reincorporates all the paragraphs in this Verified  
10 Complaint as if fully set forth herein.

11 206. At all times relevant hereto, Defendant Welch was employed by, and was an  
12 agent, servant and/or employee of RFUMS under the authority of RFUMS Board of Trustees.

13 207. The above-described acts of Defendant Welch were committed in the scope of his  
14 employment with RFUMS, namely to execute contracts with other corporations.  
15

16 208. Acting within the scope of his employment with RFUMS, Defendant Welch  
17 conspired with other co-conspirators known and not yet known, to obstruct justice and deprive  
18 Dr. Uppal of rights under Federal laws of the United States.

19 209. RFUMS under the authority of the Board of Trustees, was knowledgeable of the  
20 acts of Defendant Welch, participated in furtherance of Defendant Welch's actions and benefited  
21 from Defendant Welch's actions.  
22

23 210. Defendant Welch's conduct caused and continues to cause substantial harm and  
24 injury to Plaintiff Uppal.

25 211. Said conduct was intended to cause harm and injury to Plaintiff Uppal.

26 212. Plaintiff did, in fact, suffer injury as a direct and indirect result of Defendant  
27 Welch's actions.  
28

1           213. In doing the acts alleged herein, Defendant Welch used the power and authority  
2 conferred upon him by RFUMS under the authority of the Board of Trustees to cause injury to  
3 Plaintiff Uppal. It is predictable and foreseeable, that someone in Defendant Welch's position  
4 would abuse the power and authority conferred upon him based on his past actions. As such,  
5 Defendant Welch's conduct is incident to his agency with RFUMS under the authority of the  
6 Board of Trustees, so as to be fairly attributable to RFUMS and the Board of Trustees.  
7

8           214. As Defendant Welch's employer, Defendant RFUMS and the Board of Trustees,  
9 are responsible for all the acts committed by Defendant Welch as detailed in this Verified  
10 Complaint.  
11

12           215. As a direct and proximate result of the Defendant's actions, Dr. Uppal was  
13 irreparably harmed, including the loss of income, the loss of her career in medicine, out of  
14 pocket expenses, legal expenses, loss of enjoyment in life, severe personal and economic  
15 devastation and was deprived of her rights under Federal law.  
16

17 WHEREFORE, the Plaintiff seeks relief as is hereinafter pleaded.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff prays for judgment as follows:

20           216. Assume jurisdiction of this case;

21           217. General, exemplary, declaratory, compensatory, special and any other and all  
22 damages, according to proof;

23           218. Punitive Damages, according to proof;

24           219. Pursuant to 28 U.S.C. § 1343, damages for injury to Plaintiff because of her  
25 deprivation of any right or privilege as a citizen of the United States, by any act done in  
26 furtherance of any conspiracy mentioned in 42 U.S.C. § 1985; failure to prevent or to aid in  
27  
28

1 preventing any wrongs mentioned in 42 U.S.C. § 1985; to redress the deprivation, under color of  
2 any State law, statute, ordinance, regulation, custom or usage, or any right, privilege, or  
3 immunity secured by the Constitution of the United States providing for equal rights of citizens  
4 or of all persons within the jurisdiction of the United States; to recover from damages or to  
5 secure equitable or other relief under any Act of Congress providing for the protection of civil  
6 rights.

8 220. Legal costs and fees;

9 221. A preliminary and permanent injunction ordering restraining the Defendants, their  
10 agents, representatives, servants, employees and attorneys and Justin D. Kaplan all telephone  
11 metadata or 'call detail,' records in their possession that is relevant to the claims at issue in this  
12 Verified Complaint for the incoming phone calls to Plaintiff's phone number 312-951-0275 on  
13 January 20, 2009.

15 222. Plaintiff also seeks a jury trial on all issues triable by jury;

16 223. Such other and further relief as the Court deems just and proper.

18  
19 DATED: September 11, 2015

21  
22 Respectfully submitted,

23  
24 By: 

25 PRABHIOT UPPAL, MD  
26 Plaintiff, Pro Se  
27 650 W. Olive Avenue  
28 Merced, California 95348  
Phone: 312-576-4000  
Email: jodyuppal@hotmail.com

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of MERCED )

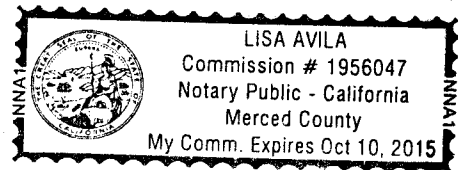
On SEPTEMBER 11TH 2015 before me, LISA AVILA, NOTARY PUBLIC  
(insert name and title of the officer)

personally appeared PRABHJOT UPPAL,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~  
subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in  
~~his~~/her/~~their~~ authorized capacity(ies), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Lisa Avila* (Seal)



**VERIFICATION**

I have read the foregoing complaint and hereby verify that the matters alleged herein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed at Merced, California.

DATED: September 11, 2015

## LIST OF EXHIBITS

BINDER VOLUME ONE	
1	Resident physician unionization at Lutheran General Hospital
2	Background of K. Michael Welch, President of RFUMS (2002 – present)
3	Background of Patricia Bergeson, general counsel at RFUMS (2003 – 2011)
4	RFUMS announces merger and placed on probation by LCME in 2004
5	<i>Doctors Are People Too</i> book by Uppal and Luther Christman review
6	Prabhjot Uppal, MD's undergraduate and graduate level diplomas
7	July 27, 2015 restrictions on training at Lutheran General Hospital
8	Prabhjot Uppal, MD resident schedule at Lutheran General Hospital
9	ACGME graduate medical education requirement for internal medicine
10	Advocate Health Care Medical Staff ByLaws
11	AMA Opinion 9.045 – Physicians with Disruptive Behavior
12	National Labor Relations Board proceeding against Lutheran General
13	Prabhjot Uppal U.S. Passport and World Congress of Neurology in Sydney
14	Lutheran General Hospital termination letter
15	ACGME Institutional Requirements
16	Natalie Correia, DO letter of support for Prabhjot Uppal, MD
17	Prabhjot Uppal's EEOC complaint in 2006
18	Uppal emails regarding <i>White Coat Tales</i> book and accreditation at RFUMS
19	<i>White Coat Tales</i> book by Uppal reviewed by Melvin Konner, MD, PhD
20	2006 and 2009 Northbrook Police Department reports
21	Uppal emails with David Ansell, MD
22	Uppal and RFUMS emails regarding <i>White Coat Tales</i> book
23	Uppal emails with Patricia Bergeson 2006 – 2007
24	Melvin Konner controversy at Emory University
25	Patricia Bergeson email regarding Arnold Gold Foundation inquiries
BINDER VOLUME TWO	
26	Art Levine, MD email to Uppal
27	Residency interview invitation requests 2007 – 2008 for Uppal
28	2007 attempted merger of RFUMS with LGH
29	Resignations of Bruce Campbell and Glen Solomon in June 2008 from LGH
30	Letter from Cathy Lazarus in 2008
31	EMTALA and CMS on call policies and legal requirements
32	January 20, 2009 phone record, caller ID and phone number information
33	January 2013 first post-conviction petition for Uppal's 2009 case
34	EEOC Right to Sue Notice August 14, 2009
35	Email to Darryl Goldberg with Right to Sue Notice
36	Court schedule switch in judge from Chambers to Axelrood
37	November 3, 2009 court transcripts
38	January 19, 2010 guilty plea transcript
39	Email from Detective Jeff Peterson, Northbrook Police Department
40	Eric Gall, MD confirmation of departure from RFUMS in December 2009



41	RFUMS Department of Surgery Department Head history
42	LCME Affiliation RFUMS-LGH Agreement on March 31, 2010
43	Timeline of Cook County Health Board
44	Valerie Jarrett bid for Olympics/Michael Reese demolition
45	Valerie Jarrett meeting with CCHB on April 6, 2010
46	2006 closure of Bethany units by Advocate Health Care
47	2010 arrest of Uppal
48	<i>La Pajarita Que Se Encontro A Si Misma</i> illustrated by Uppal
49	<i>War on Whistleblowers</i> (2013) documentary film
50	2011 Cook County Health Board shake up
<b>BINDER VOLUME THREE</b>	
51	Columbia University interview emails
52	September 2011 Meczyk attempt to arrest Uppal after record request
53	Court orders and contempt against Meczyk in 2013 for not turning over file
54	Resignation of ASA Cathy Crowley in 2013
55	Phone reports turned over by Meczyk in 2013
56	October 18, 2013 court transcript
57	Motion to admit caller ID evidence on October 9, 2013
58	Similarity between Vanecko case corruption
59	Nishay K. Sanan June 2014 "amended" petition and fake phone report
60	State's answer to "mobile" landline hospital phone
61	George Bovis place of residence documentation
62	Call detail record given to Meczyk in February 2009
63	Uppal pro se motion to authenticate incoming calls/ineffective assistance
64	Douglas Reifler, MD email 2013
65	2013 email hacking and double DOS attacks by RFUMS
66	DOE complaint regarding DOS attacks and email hacking
67	LCME 2013 RFUMS site review
68	RFUMS motion to quash phone record evidence subpoenas
69	RFUMS initial disclosures in federal case
70	RFUMS 2014 and 2015 Just Cause for Termination in Faculty ByLaws
71	RFUMS organization chart and University ByLaws
72	RFUMS motion to place protective order on and destroy phone reports
73	Verizon storage of call details for seven years
74	Anthony Armada, Gail Warden involvement in conspiracy/merger
75	Uppal Navient outstanding medical school debt